

The background of the slide features a large, faint watermark of the Kentucky Department of Vocational Rehabilitation logo. The logo is circular, with the words "Vocational Rehabilitation" in blue at the top and "Putting people and solutions to work" in red at the bottom. In the center is a stylized figure of a person with arms raised, colored in red and blue.

# **2005 Kentucky State Plan Annual Update**







**THE KENTUCKY STATE PLAN FOR  
VOCATIONAL REHABILITATION SERVICES PROGRAM  
AND  
STATE PLAN SUPPLEMENT FOR  
SUPPORTED EMPLOYMENT SERVICES PROGRAM**

**July 1, 1999 – June 30, 2005**

**Updates Effective  
July 1, 2004 – June 30, 2005**

**Kentucky Office of Vocational Rehabilitation  
Cabinet for Workforce Development  
209 St. Clair Street  
Frankfort, Kentucky 40601**



**STATE PLAN FOR THE  
STATE VOCATIONAL REHABILITATION SERVICES PROGRAM  
AND  
STATE PLAN SUPPLEMENT FOR THE  
STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM**

**TABLE OF CONTENTS**

**STATE PLAN FOR THE  
STATE VOCATIONAL REHABILITATION SERVICES PROGRAM**

<u>SECTION</u>	<u>PAGE</u>
1. Legal Basis and State Certifications	1-2
2. Public Comment on State Plan Policies and Procedures	
1. Public Participation Requirements	2-3
2. State Review Process	3
3. Submission of the State Plan and Its Supplement	
1. Submittal of the State Plan, Its Supplement and Revisions to the Plan and Its Supplement	3-4
2. Supported Employment Plan	4
4. Administration of the State Plan	
1. Designated State Agency and State Unit	4-5
2. Independent Commission or State Rehabilitation Council	5-7
3. Consultations Regarding the Administration of the Plan	7
4. Non-Federal Share	7
5. Local Administration	7-8
6. Statewideness and Waiver of Statewideness	8
7. Shared Funding and Administration of Joint Programs	8-9
8. Third-Party Cooperative Arrangements	9
9. Cooperation, Collaboration, and Coordination	10-12
10. Methods of Administration	12-13
11. Comprehensive System of Personnel Development	13-14
12. Annual State Goals and Reports of Progress	14-17
13. Innovation and Expansion	17-18
14. State-imposed Requirements	18
15. Protection, Use, and Release of Personal Information	18
16. Mediation and Impartial Due Process Hearing	18-19



17.	Reports	19
5.	Scope of the State Vocational Rehabilitation Services Program	
1.	Scope of Vocational Rehabilitation Services for Individuals	19-21
2.	Written Policies on Provision of Services to Individuals	21-22
3.	Opportunity to Make Informed Choices Regarding Selection of Services and Providers	22
4.	Services to American Indians	22
5.	Scope of Vocational Rehabilitation Services to Groups of Individuals	22-24
6.	Contracts and Cooperative Agreements	24
6.	Administration of Provision of Services	
1.	Record of Services	24
2.	Referrals and Applications	25
3.	Information and Referral Services	25
4.	Ability to Serve All Eligible Individuals and Order of Selection for Services	25-26
6.	Assessment for Determining Eligibility and Priority of Services	26-28
6.	Procedures for Ineligibility Determinations	28
7.	Closure Without Ineligibility Determination	28-29
8.	Availability of Comparable Services and Benefits	29-30
9.	Participation in Cost of Services Based on Financial Need	30-31
10.	Development of the Individualized Plan for Employment	31-33
10.	Mandatory Components of the Individualized Plan for Employment	33-35
12.	Annual Review of Individuals in Extended Employment and Other Employment Under Special Certificate Provisions of the Fair Labor Standards Act	35

## STATE PLAN SUPPLEMENT FOR THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM

7.	Program Administration	
1.	Designated State Agency	36
2.	Statewide Assessment of Supported Employment Services Needs	36
3.	Quality, Scope, and Extent of Supported Employment Services	36
4.	Goals and Plans for Distribution of Title VI, Part B Funds	36
5.	Evidence of Collaboration Regarding Supported Employment Services And Extended Services	36
6.	Minority Outreach	36-37
7.	Reports	37
8.	Financial Administration	



1.	Five Percent Limitation on Administrative Costs	37
2.	Use of Funds in Providing Services	37
9.	Provision of Supported Employment Services	
1.	Scope of Supported Employment Services	37-38
2.	Comprehensive Assessments of Individuals with Significant Disabilities	38
3.	Individualized Plan for Employment	38
	Listing of Attachments	39-40



**STATE PLAN FOR THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM  
AND  
STATE PLAN SUPPLEMENT FOR THE STATE SUPPORTED EMPLOYMENT SERVICES  
PROGRAM**

**STATE:**                              Kentucky          

**AGENCY:**                          Office of Vocational Rehabilitation          

**AGENCY TYPE:**        GENERAL   X   BLIND        COMBINED

**SECTION 1: LEGAL BASIS AND STATE CERTIFICATIONS**

- 1.1**     The           Kentucky Office of Vocational Rehabilitation           (name of designated State agency or designated State unit) is authorized to submit this State plan under title I of the Rehabilitation Act of 1973, as amended<sup>1</sup> and its supplement under title VI, part B of the Act<sup>2</sup>.
- 1.2**     As a condition for the receipt of Federal funds under title I, part B of the Act for the provision of vocational rehabilitation services, the           Kentucky Department of Workforce Investment           (name of the designated State agency)<sup>3</sup> agrees to operate and administer the State Vocational Rehabilitation Services Program in accordance with the provisions of this State plan<sup>4</sup>, the Act, and all applicable regulations<sup>5</sup>, policies, and procedures established by the Secretary. Funds made available under section 111 of the Act are used solely for the provision of vocational rehabilitation services under title I and the administration of this State plan.
- 1.3**     As a condition for the receipt of Federal funds under title VI, part B of the Act for supported employment services, the designated State agency agrees to operate and administer the State Supported Employment Services Program in accordance with the provisions of the supplement to this State plan<sup>6</sup>, the Act, and all applicable regulations<sup>7</sup>, policies, and procedures established by the Secretary. Funds made available under title VI, part B are used solely for the provision of supported employment services and the administration of the supplement to the title I State plan.
- 1.4**     The designated State agency and/or the designated State unit has the authority under State law to perform the functions of the State regarding this State plan and its supplement.
- 1.5**     The State legally may carry out each provision of the State plan and its supplement.
- 1.6**     All provisions of the State plan and its supplement are consistent with State law.
- 1.7**     The           State Treasurer           (title of State officer) has the authority under State law to receive, hold, and disburse Federal funds made available under this State plan and its supplement.
- 1.8**     The           Executive Director, Office of Vocational Rehabilitation           (title of State officer) has the authority to submit this State plan for vocational rehabilitation services and the State plan supplement for supported employment services.
- 1.9**     The agency that submits this State plan and its supplement has adopted or otherwise formally approved the plan and its supplement.



1.10 The effective date of this State plan and its supplement is July 1, 1999.

_____ (Signature)	<u>Beth Smith</u> (Typed Name of Signatory)
<u>July 15, 2004</u> (Date)	<u>Executive Director</u> (Title)

<sup>1</sup> Public Law 93-112, as amended by Public Laws 93-516, 95-602, 98-221, 99-506, 100-630, 102-569, 103-073, and 105-220.

<sup>2</sup> Unless otherwise stated, "Act" means the Rehabilitation Act of 1973, as amended.

<sup>3</sup> All references in this plan to "designated State agency" or to "the State agency" relate to the agency identified in this paragraph.

<sup>4</sup> No funds under title I of the Act may be awarded without an approved State plan in accordance with section 101(a) of the Act and 34 CFR part 361.

<sup>5</sup> Applicable regulations include the Education Office General Administrative Regulations (EDGAR) in 34 CFR parts 74, 76, 77, 79, 80, 81, 82, 85, and 86 and the State Vocational Rehabilitation Services Program regulations in 34 CFR part 361.

<sup>6</sup> No funds under title VI, part B of the Act may be awarded without an approved supplement to the title I State plan in accordance with section 625(a) of the Act.

<sup>7</sup> Applicable regulations include the EDGAR citations in footnote 5, 34 CFR part 361, and 34 CFR part 363.

## **SECTION 2: PUBLIC COMMENT ON STATE PLAN POLICIES AND PROCEDURES**

**2.1 Public participation requirements.** (Section 101(a)(16)(A) of the Act; 34 CFR 361.20(a)(1) and (2), (b), and (d), and 363.11(g)(9))

(a) The designated State agency, prior to the adoption of any policies or procedures governing the provision of vocational rehabilitation services under the State plan and supported employment services under the supplement to the State plan, including making any amendment to such policies and procedures, conducts public meetings throughout the State to provide the public, including individuals with disabilities, an opportunity to comment on the policies or procedures, and actively consults with the Director of the client assistance program carried out under section 112 of the Act, and, as appropriate, Indian tribes, tribal organizations, and Native Hawaiian organizations on the policies or procedures.

(b) The designated State agency provides adequate notice of the meetings in accordance with State law governing public meetings, or, in the absence of such State law, in accordance with procedures developed by the State agency in consultation with the State Rehabilitation Council, if the agency has a Council.

**2.2 State review process.** (34 CFR Part 79)



If the State plan, its supplement, or amendment to the State plan is subject to the State review process, such materials are reviewed and commented on in accordance with the provisions of Executive Order 12372, and comments provided by the State review process are transmitted to the Rehabilitation Services Administration.

This State plan and its supplement are subject to the State review process.

Yes X No

### **SECTION 3: SUBMISSION OF THE STATE PLAN AND ITS SUPPLEMENT**

#### **3.1 Submittal of the State plan, its supplement, and revisions to the plan and its supplement.** (Sections 101(a)(1), (23) and 625(a)(1) of the Act)

- (a)** The State submits to the Commissioner a State plan for vocational rehabilitation services that meets the requirements of section 101 of the Act and a State plan supplement for supported employment services that meets the requirements of section 625 of the Act on the same date that the State submits a State plan under section 112 of the Workforce Investment Act of 1998.
- (b)** If the State submits a State unified plan under section 501(b) of the Workforce Investment Act of 1998 that includes the State plan for vocational rehabilitation services and its supplement for supported employment services in the unified plan, the State submits to the Commissioner the State plan for vocational rehabilitation services and its supplement for supported employment services on the same date that the State submits its unified plan under section 501(b) of the Workforce Investment Act of 1998.
- (c)** The State submits only those policies, procedures, or descriptions required under this State plan and its supplement that have not been previously submitted to and approved by the Commissioner of the Rehabilitation Services Administration.
- (d)** The State submits to the Commissioner at such time and in such manner as the Secretary determines to be appropriate, reports containing annual updates of the information relating to the:
  - (1)** comprehensive system of personnel development;
  - (2)** assessments, estimates, goals and priorities, and reports of progress;
  - (3)** innovation and expansion activities; and
  - (4)** requirements under title I, part B or title VI, part B of the Act.
- (e)** The State plan and its supplement are in effect subject to the submission of such modifications as the State determines to be necessary or as the Commissioner may require based on a change in State policy, a change in Federal law, including regulations, an interpretation of the Act by a Federal court or the highest court of the State, or a

**EFFECTIVE DATE: July 1, 1999**



finding by the Commissioner of State noncompliance with the requirements of the Act, until the State submits and receives approval of a new State plan or plan supplement.

**3.2 Supported employment plan.** (Sections 101(a)(22) and 625(a) of the Act; 34 CFR 361.34 and 363.10)

The State has an acceptable plan for carrying out part B of title VI of the Act, including the use of funds under that part to supplement funds made available under part B of title I of the Act to pay for the cost of services leading to supported employment.

**SECTION 4: ADMINISTRATION OF THE STATE PLAN**

**4.1 Designated State agency and designated State unit.** (Sections 101(a)(2) of the Act; 34 CFR 361.13)

**(a) Designated State agency.**

(1) There is a State agency designated as the sole State agency to administer the State plan, or to supervise its administration in a political subdivision of the State by a sole local agency.

(2) The designated State agency is:

  X   primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities; or

       not primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities.

(3) In American Samoa, the designated State agency is the Governor.

**(b) Designated State unit.**

(1) If the designated State agency is not primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities, the State agency includes a vocational rehabilitation bureau, division, or other organizational unit that:

(A) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities, and is responsible for the designated State agency's vocational rehabilitation program, including those responsibilities specified in subparagraph (5) of this paragraph of the State plan;

(B) has a full-time director;

(C) has a staff, at least 90 percent of whom are employed full time on the rehabilitation work of the organizational unit;



- (D) is located at an organizational level and has an organizational status within the designated State agency comparable to that of other major organizational units of the designated State agency; and
- (E) at a minimum, has the following responsibilities that cannot be delegated to any other agency or individual:
  - (i) all decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available services, and the provision of services;
  - (ii) a determination that an individual has ended participation in the vocational rehabilitation program and achieved an employment outcome after receiving vocational rehabilitation services;
  - (iii) policy formulation and implementation; and
  - (iv) allocation and expenditure of vocational rehabilitation funds.

- (2) The name of the designated State unit is Kentucky Office of Vocational Rehabilitation.

**4.2 State independent commission or state rehabilitation council.** (Sections 101(a)(21) and 105 of the Act; 34 CFR 361.16 and .17)

The State plan must contain one of the following two assurances.

- (a) \_\_\_ The designated State agency is an independent commission that:
  - (1) is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State;
  - (2) is consumer-controlled by persons who:
    - (A) are individuals with physical or mental impairments that substantially limit major life activities; and
    - (B) represent individuals with a broad range of disabilities, unless the designated State unit under the direction of the commission is the State agency for individuals who are blind;
  - (3) includes family members, advocates, or other representatives, of individuals with mental impairments; and
  - (4) undertakes the functions set forth in section 105(c)(4) of the Act;

**or**

**EFFECTIVE DATE: July 1, 1999**



(b) X The State has established a State Rehabilitation Council that meets the criteria set forth in section 105 of the Act and the designated State unit:

(1) jointly with the Council develops, agrees to, and reviews annually State goals and priorities, and jointly submits annual reports of progress with the Council, consistent with the provisions of section 101(a)(15) of the Act and section 4.12 of this State plan;

(2) regularly consults with the Council regarding the development, implementation, and revision of State policies and procedures of general applicability pertaining to the provision of vocational rehabilitation services;

(3) includes in the State plan and in any revision to the State plan, a summary of input provided by the Council, including recommendations from the annual report of the Council, the review and analysis of consumer satisfaction, and other reports prepared by the Council, and the response of the designated State unit to such input and recommendations, including explanations for rejecting any input or recommendation; and

(4) transmits to the Council:

(A) all plans, reports, and other information required under title I of the Act to be submitted to the Secretary;

(B) all policies and information on all practices and procedures of general applicability provided to or used by rehabilitation personnel in carrying out this State plan; and

(C) copies of due process hearing decisions issued under title I of the Act, which are transmitted in such a manner as to ensure that the identity of the participants in the hearings is kept confidential.

(c) *If the designated State unit has a State Rehabilitation Council, Attachment 4.2(c)* provides a summary of the input provided by the Council consistent with the provisions identified in subparagraph (b)(3) of this subsection of the State plan, the response of the designated State unit to the input and recommendations, and explanations for the rejection of any input or any recommendation.

**4.3 Consultations regarding the administration of the state plan.** (Section 101(a)(16)(B) of the Act; 34 CFR 361.21(a))

The designated State agency takes into account, in connection with matters of general policy arising in the administration of the plan, the views of:

(a) individuals and groups of individuals who are recipients of vocational rehabilitation services, or in appropriate cases, the individuals' representatives;



- (b) personnel working in programs that provide vocational rehabilitation services to individuals with disabilities;
- (c) providers of vocational rehabilitation services to individuals with disabilities;
- (d) the Director of the client assistance program; and
- (e) the State Rehabilitation Council, if the State has such a Council.

**4.4 Non-federal share.** (Section 101(a)(3) of the Act; 34 CFR 80.24 and 361.60(b))

The non-Federal share of the cost of carrying out this State plan is 21.3 percentum and it is provided through the financial participation by the State, or if the State elects, by the State and local agencies.

**4.5 Local administration.** (Section 101(a)(2)(A) of the Act; 34 CFR 361.15)

- (a) The State plan provides for local administration and each local agency is under the supervision of the designated State unit and is the sole local agency responsible for the administration of the program within the political subdivision that it serves.

Yes \_\_\_ No X

- (b) **IF YES, Attachment 4.5** identifies each local agency and describes the methods each local agency uses to administer the vocational rehabilitation program in accordance with this State plan.

**4.6 Statewideness and waivers of statewideness.** (Sections 101(a)(2)(A) and (4)(A) of the Act; 34 CFR 361.25 and .26)

The State plan is in effect in all political subdivisions of the State, except in the case when:

- (a) The State unit is providing services in one or more political subdivisions of the State that increase services or expand the scope of services that are available statewide under this State plan and the:
  - (1) non-Federal share of the cost of these services is met from funds provided by a local public agency, including funds contributed to a local public agency by a private agency, organization, or individual; and
  - (2) services are likely to promote the vocational rehabilitation of substantially larger numbers of individuals with disabilities or of individuals with disabilities with particular types of impairments.
  - (3) If the State is providing services that meet the provisions of subparagraphs (a)(1) and (2) of this subsection, **Attachment 4.6(a)(3)** requests a waiver of statewideness in accordance with the requirements in 34 CFR 361.26(b); or



- (b) Earmarked funds are used toward the non-Federal share and such funds are earmarked for particular geographic areas within the State contingent on the State notifying the Commissioner that it cannot provide the full non-Federal share without the use of such earmarked funds.

**4.7 Shared funding and administration of joint programs.** (Section 101(a)(2)(A)(ii) of the Act; 34 CFR 361.27)

- (a) The designated State agency is carrying out a joint program involving shared funding and administrative responsibility with another State agency or a local public agency to provide services to individuals with disabilities.

Yes \_\_\_ No X

- (b) *IF YES, Attachment 4.7(b)* describes the:

- (1) nature and scope of the joint program;
- (2) services to be provided;
- (3) respective roles of each participating agency in the provision of services and their administration; and
- (4) share of the costs to be assumed by each agency.

- (c) If the joint program provides services in one or more political subdivisions of the State, the State requests a waiver of statewideness in accordance with the provisions of 34 CFR 361.26 and subparagraph 4.6(a)(3) of this State plan subsection.

**4.8 Third-party cooperative arrangements involving funds from other public agencies** (Section 12 of the Act; 34 CFR 361.28)

- (a) The designated State unit has entered into a third-party cooperative arrangement for providing or administering vocational rehabilitation services with another State agency or a local public agency that is furnishing part or all of the non-Federal share.

Yes \_\_\_ No X

- (b) *IF YES:*

- (1) The services provided by the cooperating agency are not the customary or typical services provided by that agency but are new services that have a vocational rehabilitation focus or are existing services that have been modified, adapted, expanded, or reconfigured to have a vocational rehabilitation focus.
- (2) The services provided by the cooperating agency are only available to applicants for, or recipients of, services from the designated State unit.
- (3) Program expenditures and staff providing services under the cooperative arrangement are under the administrative supervision of the designated State unit.



- (4) All State plan requirements, including the State's order of selection, if an order is in effect, apply to all services provided under the cooperative program.
- (c) If the third-party cooperative program provides services in one or more political subdivisions of the State, the State requests a waiver of statewideness in accordance with the provisions of 34 CFR 361.26 and subparagraph 4.6(a)(3) of this State plan.

**4.9 Cooperation, collaboration, and coordination.** (Sections 101(a)(11) of the Act; 34 CFR 361.22, .23 and .24)

**(a) Cooperative agreements with other components of statewide workforce investment systems.**

The designated State agency has cooperative agreements with other entities that are components of the statewide workforce investment system of the State in accordance with the provisions of section 101(a)(11)(A) of the Act.

**(b) Replication of cooperative agreements.**

The designated State agency replicates the cooperative agreement identified in paragraph (a) of this subsection of the State plan at the local level between individual offices of the designated State unit and local entities carrying out activities through the statewide workforce investment system.

**(c) Interagency cooperation with other agencies and entities.**

**Attachment 4.9(c)** describes the:

- (1) interagency cooperation with, and utilization of the services and facilities of the Federal, State, and local agencies and programs, including programs carried out by the Under Secretary for Rural Development of the United States Office of Agriculture and State use contracting programs, to the extent that such agencies and programs are not carrying out activities through the statewide workforce investment system;
- (2) coordination, consistent with the requirements of paragraph 4.9(d) of this subsection, with education officials to facilitate the transition of students with disabilities from school to the receipt of vocational rehabilitation services;
- (3) manner in which the designated State agency establishes cooperative agreements with private non-profit vocational rehabilitation service providers, consistent with the requirements of paragraph 5.6(b) of the State plan; and,
- (4) efforts of the designated State agency to identify and make arrangements, including entering into cooperative agreements, with other State agencies and entities with respect to the provision of supported employment and extended services for individuals with the most significant disabilities, consistent with the requirements of subsection 7.5 of the supplement to this State plan.



**(d) Coordination with education officials.**

Plans, policies, and procedures for coordination between the designated State agency and education officials responsible for the public education of students with disabilities that are designed to facilitate the transition of the students who are individuals with disabilities from the receipt of educational services in school to the receipt of vocational rehabilitation services under this State plan are described in **Attachment 4.9(c)(2)** which also includes information on a formal interagency agreement with the State educational agency that, at a minimum, provides for:

- (1)** consultation and technical assistance to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including vocational rehabilitation services;
- (2)** transition planning by personnel of the designated State agency and the educational agency for students with disabilities that facilitates the development and completion of their individualized education programs under section 614(d) of the Individuals with Disabilities Education Act;
- (3)** the roles and responsibilities, including financial responsibilities, of each agency, including provisions for determining State lead agencies and qualified personnel responsible for transition services; and
- (4)** procedures for outreach to and identification of students with disabilities who need transition services.

**(e) Coordination with statewide independent living council and independent living centers.**

The designated State unit, the Statewide Independent Living Council established under section 705 of the Act, and the independent living centers described in part C of title VII of the Act within the State have developed working relationships and coordinate their activities.

**(f) Cooperative agreement with recipients of grants for services to American Indians.**

- (1)** There is in the State a recipient(s) of a grant under part C of title I of the Act for the provision of vocational rehabilitation services for American Indians who are individuals with disabilities residing on or near Federal and State reservations.

Yes \_\_\_ No X

- (2)** *IF YES*, the designated State agency has entered into a formal cooperative agreement with each grant recipient in the State that receives funds under part C of title I of the Act. The agreement(s) describes strategies for collaboration and



coordination in providing vocational rehabilitation services to American Indians who are individuals with disabilities, including:

(A) strategies for interagency referral and information sharing that assist in eligibility determinations and the development of individualized plans for employment;

(B) procedures for ensuring that American Indians who are individuals with disabilities and who are living near a reservation or tribal service area are provided vocational rehabilitation services; and

(C) provisions for sharing resources in cooperative studies and assessments, joint training activities, and other collaborative activities designed to improve the provision of services to American Indians who are individuals with disabilities.

**(g) Reciprocal referral services with a separate agency for individuals who are blind.**

In those States in which there is a separate designated State unit for individuals who are blind and also a designated State unit for all other individuals with disabilities, the two State units:

- (1) have established reciprocal referral services;
- (2) use each other's services and facilities to the extent feasible;
- (3) jointly plan activities to improve services in the State for individuals with multiple impairments, including visual impairments; and
- (4) otherwise cooperate to provide more effective services, including, if appropriate, entering into a written cooperative agreement.

**4.10 Methods of administration.** (Sections 101(a)(6) of the Act; 34 CFR 361.12, .19 and .51(a) and (c))

**(a) General.**

The State agency employs methods of administration found by the Commissioner to be necessary for the proper and efficient administration of this State plan.

**(b) Employment of individuals with disabilities.**

The designated State agency and entities carrying out community rehabilitation programs in the State, who are in receipt of assistance under title I of the Act, take affirmative action to employ and advance in employment qualified individuals with disabilities covered under and on the same terms and conditions as set forth in section 503 of the Act.



(c) **Written standards for providers of services.**

The designated State agency has established, maintains, makes available to the public, and implements written minimum standards for the various types of providers used by the designated State unit in providing vocational rehabilitation services under this State plan.

(d) **Facilities.**

Facilities used in connection with the delivery of services assisted under this State plan comply with the provisions of the Act entitled "An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped", approved on August 12, 1968 (commonly known as the "Architectural Barriers Act of 1968"), with section 504 of the Act and with the Americans with Disabilities Act of 1990.

**4.11 Comprehensive system of personnel development.** (Section 101(a)(7) of the Act; 34 CFR 361.18)

(a) The designated State agency has implemented a comprehensive system of personnel development that meets the requirements of section 101(a)(7) of the Act and 34 CFR 361.18.

(b) **Attachment 4.11(b)** describes the designated State agency=s policies, procedures and activities to establish and maintain a comprehensive system of personnel development designed to ensure an adequate supply of qualified State rehabilitation professional and paraprofessional personnel for the designated State unit. The description addresses the following requirements:

(1) collection and analysis on an annual basis of data on qualified personnel needs and personnel development consistent with the provisions of 34 CFR 361.18(a);

(2) plan to address the current and projected needs for qualified personnel including the coordination and facilitation of efforts between the designated State unit and institutions of higher education and professional associations to recruit, prepare, and retain qualified personnel, including personnel from minority backgrounds, and personnel who are individuals with disabilities;

(3) establishment and maintenance of personnel standards meeting the requirements of 34 CFR 361.18(c) to ensure that personnel, including professionals and paraprofessionals, are adequately trained and prepared, including:

(A) standards that are consistent with any national or State-approved or recognized certification, licensing, registration, or, in the absence of these requirements, other comparable requirements that apply to the profession or discipline in which such personnel are providing vocational rehabilitation services; and

(B) to the extent that such standards are not based on the highest requirements in the State applicable to a particular profession or discipline, the steps the State is currently taking and the steps the State



plans to take to retrain or hire personnel within the designated State unit so that such personnel meet standards that are based on the highest requirements in the State;

- (4) standards to ensure the availability of personnel within the designated State unit or other individuals who are, to the maximum extent feasible, trained to communicate in the native language or mode of communication of an applicant or eligible individual;
- (5) staff development to ensure that all personnel employed by the designated State unit receive appropriate and adequate training; and
- (6) coordination of its personnel development system with personnel development under the Individuals with Disabilities Education Act.

**4.12 Annual state goals and reports of progress.** (Sections 101(a)(15), 105(c)(2) and 625(b)(2) of the Act; 34 CFR 363.11(b))

**(a) Assessments and estimates.**

**(1) Attachment 4.12(a)** documents the results of a comprehensive, statewide assessment, jointly conducted by the designated State unit and the State Rehabilitation Council (if the State has such a Council) every 3 years, and:

**(A)** describes the rehabilitation needs of individuals with disabilities residing within the State, particularly the vocational rehabilitation services needs of:

**(i)** individuals with the most significant disabilities, including their need for supported employment services;

**(ii)** individuals with disabilities who are minorities and individuals with disabilities who have been unserved or underserved by the vocational rehabilitation program carried out under this State plan; and

**(iii)** individuals with disabilities served through other components of the statewide workforce investment system, as identified by such individuals and personnel assisting such individuals through the components.

**(B)** provides an assessment of the need to establish, develop, or improve community rehabilitation programs within the State.

**(2)** For any year in which the State revises the assessments, the designated State unit submits to the Commissioner a report containing information regarding revisions to the assessments.

**(b) Annual estimates.**



The designated State agency annually submits **Attachment 4.12(b)** that includes, State estimates of the:

- (1) number of individuals in the State who are eligible for services under this State plan;
- (2) number of such individuals who will receive services provided with funds provided under part B of title I of the Act and under part B of title VI of the Act, including, if the designated State agency uses an order of selection in accordance with paragraph 6.4(c) of this State plan, estimates of the number of individuals to be served under each priority category within the order; and
- (3) costs of the services described in subparagraph (1), including, if the designated State agency uses an order of selection, the service costs for each priority category within the order.

**(c) Goals and priorities.**

- (1) **Attachment 4.12(c)(1)** identifies the goals and priorities of the State in carrying out the vocational rehabilitation and supported employment programs and also identifies any revisions in the goals and priorities for any year the State revises the goals and priorities.
- (2) **Order of selection.**
  - (A) If the State agency is operating on an order of selection, **Attachment 4.12(c)(2)(A)** shows the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services and provides a justification for the order, the service and outcome goals, and the time within which these goals may be achieved for individuals in each priority category consistent with the provisions of paragraph 6.4(c) of this State plan.
  - (B) If, however, the agency assures in paragraph 6.4(a) of this State plan that it can provide the full range of services identified in subsection 5.1 of this State plan to all eligible individuals, **Attachment 4.12(c)(2)(B)** satisfies all of the provisions identified in paragraph 6.4(b) of the State plan.

**(3) Goals and plans for distribution of title VI, part B funds.**

**Attachment 4.12(c)(3)** specifies, consistent with subsection 7.4 of the State plan supplement, the State's goals and priorities with respect to the distribution of funds received under section 622 of the Act for the provision of supported employment services.

**(4) Basis.**



The goals and priorities are based on:

- (A) the analysis of the comprehensive assessment and any revisions in the assessment consistent with the provisions of paragraph 4.12(a) of this State plan;
  - (B) the performance of the State on the standards and indicators established under section 106 of the Act; and
  - (C) other available information on the operation of the vocational rehabilitation and supported employment programs, including reports from the State Rehabilitation Council, if the State has a Council, and the findings of monitoring activities carried out by the Rehabilitation Services Administration.
- (5) In accordance with the provisions of section 101(a)(15)(C)(ii) and (iii) of the Act, the goals and priorities, including any revisions to the goals and priorities, are jointly developed, agreed to, and reviewed annually by the designated State unit and the State Rehabilitation Council, if the State has such a Council.

**(d) Strategies.**

**Attachment 4.12(d)** describes the strategies, including those identified in section 101(a)(15)(D) of the Act and the innovation and expansion activities of paragraph 4.13(a) of this State plan, the designated State agency will use to:

- (1) address the needs identified in the assessment conducted under paragraph (a) of this subsection and achieve the goals and priorities identified in paragraph (c) of this subsection;
- (2) carryout outreach activities to identify and serve individuals with the most significant disabilities who are minorities consistent with the provisions of subsection 7.6 of the State plan supplement; and
- (3) overcome identified barriers relating to equitable access to and participation of individuals with disabilities in the State Vocational Rehabilitation Services Program and State Supported Employment Services Program.

**(e) Evaluation and reports of progress.**

**Attachment 4.12(e)** describes the results of an evaluation of the effectiveness of the vocational rehabilitation program, and includes an annual joint report of the designated State unit and the State Rehabilitation Council, if the State has such a Council, to the Commissioner on the progress made in improving the effectiveness of the program from the previous year. The description includes:

- (1) an evaluation of the extent to which the goals identified in subparagraph (c) of this subsection plan were achieved;



- (2) an identification of the strategies that contributed to achieving the goals;
- (3) to the extent to which the goals were not achieved, an explanation of the factors that impeded that achievement;
- (4) an assessment of the performance of the State on the standards and indicators established pursuant to section 106 of the Act; and
- (5) a report consistent with paragraph 4.13(c) of this State plan on how the funds reserved for innovation and expansion activities were utilized in the preceding year.

**4.13 Innovation and expansion.** (Section 101(a)(18) of the Act)

- (a) The designated State agency reserves and uses a portion of the funds allotted to the State under section 110 of the Act:
  - (1) for the development and implementation of innovative approaches to expand and improve the provision of vocational rehabilitation services to individuals with disabilities under this State plan, particularly individuals with the most significant disabilities, consistent with the findings of the statewide assessment and goals and priorities of the State identified in paragraphs 4.12(a) and (c) of this State plan; and
  - (2) to support the funding of the State Rehabilitation Council, if the State has such a Council, consistent with the resource plan prepared under section 105(d)(1) of the Act, and the funding of the Statewide Independent Living Council, consistent with the resource plan prepared under section 705(e)(1) of the Act.
- (b) **Attachment 4.12(d)** describes how the reserved funds identified in paragraph (a) of this subsection of this State plan will be utilized.
- (c) **Attachment 4.12(e)** describes how the reserved funds were utilized in the preceding year.

**4.14 State-imposed requirements.** (Section 17 of the Act; 34 CFR 361.39)

The designated State unit identifies upon request those regulations and policies relating to the administration or operation of its vocational rehabilitation and supported employment programs that are State-imposed, including any regulations or policy based on State interpretation of any Federal law, regulations, or guidelines.

**4.15 Protection, use, and release of personal information.** (Sections 12(c) and 101(a)(6)(A) of the Act; 34 CFR 361.38)

The designated State agency and the designated State unit have policies and procedures that are consistent with the provisions in 34 CFR 361.38 to safeguard the confidentiality of all personal information, including photographs and lists of names.



**4.16 Mediation and impartial due process hearing.** (Section 102(c) of the Act)

**(a) Fair hearing board.**

There is a fair hearing board, established by the State prior to January 1, 1985, that is authorized under State law to review determinations or decisions made under the Act and to carry out the responsibilities of the impartial hearing officer.

Yes \_\_\_ No X

**(b) Mediation and review procedures.**

***IF THE ANSWER TO (a) IS A NO:***

- (1)** The designated State agency has established procedures consistent with the requirements of section 102(c) of the Act for mediation of and procedures for the review through an impartial due process hearing of determinations made by personnel of the designated State unit that affect the provision of vocational rehabilitation services to applicants or eligible individuals.
- (2)** **Attachment 4.16(b)(2)** contains the procedures for mediation; the procedures for review through an impartial due process hearing; and, the procedures to seek an impartial review of the decision of the hearing officer, including the standards for reviewing decisions of an hearing officer, if the designated State agency has elected to implement such review procedures.

***IF THE ANSWER TO (a) IS AYES:***

- (1)** The designated State agency has established procedures consistent with the requirements of section 102(c) of the Act for mediation of determinations made by personnel of the designated State unit that affect the provision of vocational rehabilitation services to applicants or eligible individuals.
- (2)** **Attachment 4.16(b)(2)** contains the procedures for mediation.

**4.17 Reports.** (Section 101(a)(10) of the Act; 34 CFR 361.40)

- (a)** The designated State unit submits reports in the form and level of detail and at the time required by the Commissioner regarding applicants for and eligible individuals receiving services under the State plan.
- (b)** Information submitted in the reports provides a complete count, unless sampling techniques are used, of the applicants and eligible individuals in a manner that permits the greatest possible cross-classification of data and ensures the confidentiality of the identity of each individual.

**SECTION 5: SCOPE OF THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM**

**EFFECTIVE DATE: July 1, 1999**



**5.1 Scope of vocational rehabilitation services for individuals with disabilities.** (Section 103(a) of the Act)

Vocational rehabilitation services provided under this State plan are any services described in an individualized plan for employment necessary to assist an individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual, including:

- (a) an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;
- (b) counseling and guidance, including information and support services to assist an individual in exercising informed choice consistent with the provisions of section 102(d) of the Act and subsection 5.3 of this State plan;
- (c) referral and other services to secure needed services from other agencies through agreements developed under section 101(a)(11) of the Act and subsection 4.9 of this State plan, if such services are not available under this State plan;
- (d) job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;
- (e) vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials, except that no training services provided at an institution of higher education shall be paid for with funds under this State plan unless maximum efforts have been made by the designated State unit and the individual to secure grant assistance, in whole or in part, from other sources to pay for such training;
- (f) to the extent that financial support is not readily available from a source (such as through health insurance of the individual or through comparable services and benefits consistent with section 101(a)(8)(A) of the Act and subsection 6.8 of this State plan), other than the designated State unit, diagnosis and treatment of physical and mental impairments, including:
  - (1) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but is of such a nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;
  - (2) necessary hospitalization in connection with surgery or treatment;
  - (3) prosthetic and orthotic devices;
  - (4) eyeglasses and visual services as prescribed by qualified personnel who meet State licensure laws and who are selected by the individual;



- (5) special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals with end-stage renal disease; and
- (6) diagnosis and treatment for mental and emotional disorders by qualified personnel who meet State licensure laws;
- (g) maintenance for additional costs incurred while participating in an assessment for determining eligibility and vocational rehabilitation needs or while receiving services under an individualized plan for employment;
- (h) transportation, including adequate training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this subsection and needed by the individual to achieve an employment outcome;
- (i) on-the-job or other related personal assistance services provided while an individual is receiving other services described in this subsection;
- (j) interpreter services provided by qualified personnel for individuals who are deaf or hard of hearing, and reader services for individuals who are determined to be blind, after an examination by qualified personnel who meet State licensure laws;
- (k) rehabilitation teaching services, and orientation and mobility services, for individuals who are blind;
- (l) occupational licenses, tools, equipment, and initial stocks and supplies;
- (m) technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided under the statewide workforce investment system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;
- (n) rehabilitation technology, including telecommunications, sensory, and other technological aids and devices;
- (o)
  - (o) transition services for students with disabilities that facilitate the achievement of the employment outcome identified in the individualized plan for employment;
  - (p) supported employment services;
  - (q) services to the family of an individual with a disability necessary to assist the individual to achieve an employment outcome; and
  - (r) specific post-employment services necessary to assist an individual with a disability to retain, regain, or advance in employment.

**5.2 Written policies governing the provision of services to individuals with disabilities.**  
(Sections 12(c) and 101(a)(6)(A) of the Act; 34 CFR 361.50)

**EFFECTIVE DATE: July 1, 1999**



- (a) The State unit has written policies covering the nature and scope of each of the vocational rehabilitation services specified in section 103(a) of the Act and subsection 5.1 of this State plan and the criteria under which each service is provided.
- (b) The policies are consistent with the provisions in 34 CFR 361.50 and:
  - (1) ensure that the provision of services is based on the rehabilitation needs of each individual as identified in that individual's individualized plan for employment; and
  - (2) do not establish any arbitrary limits on the nature and scope of services to be provided to the individual to achieve an employment outcome.

**5.3 Opportunity to make informed choices regarding the selection of services and providers.**  
(Sections 101(a)(19) and 102(d) of the Act)

Applicants and eligible individuals, or, as appropriate, the applicants' representatives or the individuals' representatives, are provided information and support services to assist the applicants and eligible individuals in exercising informed choice throughout the rehabilitation process, consistent with the provisions of section 102(d) of the Act.

**5.4 Services to American Indians.** (Section 101(a)(13) of the Act)

Except as otherwise provided in part C of title I of the Act, the designated State unit provides vocational rehabilitation services to American Indians who are individuals with disabilities residing in the State to the same extent as the designated State agency provides such services to other significant populations of individuals with disabilities residing in the State.

**5.5 Scope of vocational rehabilitation services to groups of individuals with disabilities.**  
(Sections 101(a)(17) and 103(b) of the Act; 34 CFR 361.49, .61 and .62)

- (a) The State plan provides for the following optional vocational rehabilitation services for the benefit of groups of individuals with disabilities.
  - (1) X The establishment, development, or improvement of community rehabilitation programs, including, under special circumstances, the construction of a community rehabilitation facility, that are used to provide services to promote integration and competitive employment.

If the State elects to use the authority to construct a facility for a community rehabilitation program, the following requirements are met:

- (A) The Federal share of the cost of construction for facilities for a fiscal year does not exceed an amount equal to 10 percent of the State's allotment under section 110 of the Act for that fiscal year.
- (B) The provisions of section 306 of the Act that were in effect prior to the enactment of the Rehabilitation Act Amendments of 1998 apply to such construction.

**EFFECTIVE DATE: July 1, 1999**



- (C) There is compliance with the requirements in 34 CFR 361.62(b) that ensure the use of the construction authority will not reduce the efforts of the designated State agency in providing other vocational rehabilitation services, other than the establishment of facilities for community rehabilitation programs.
- (2) X Telecommunications systems, including telephone, television, satellite, radio, and similar systems, that have the potential for substantially improving service delivery methods of activities described in this section of this State plan and developing appropriate programming to meet the particular needs of individuals with disabilities.
- (3) \_\_\_ Special services to provide nonvisual access to information for individuals who are blind, including the use of telecommunications, Braille, sound recordings, or other appropriate media; captioned television, films, or video cassettes for individuals who are deaf or hard of hearing; tactile materials for individuals who are deaf-blind; and other special services that provide information through tactile, vibratory, auditory, and visual media.
- (4) X Technical assistance and support services to businesses that are not subject to title I of the Americans with Disabilities Act of 1990 and that are seeking to employ individuals with disabilities.
- (5) \_\_\_ Small business enterprises operated by individuals with significant disabilities, the operation of which can be improved by the management services and supervision of the designated State agency, along or together with the acquisition by the designated State agency of vending facilities or other equipment and initial stocks and supplies.
  - (A) If the State unit provides small business enterprise services, only individuals with significant disabilities are selected to participate in this supervised program.
  - (B) If the State unit sets aside funds from the proceeds of the operation of the small business enterprises, it has a description of the methods used in setting aside funds and the purposes for which funds are set aside.
  - (C) Under its small business enterprises, the State unit provides:
    - (i) \_\_\_ only the Randolph-Sheppard Vending Facility Program;
    - (ii) \_\_\_ only a program or programs other than the Randolph-Sheppard Vending Facility Program;
    - (iii) both the Randolph-Sheppard Vending Facility Program and another program(s).



- (6) X Consultative and technical assistance services to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including employment.
  - (7) X Other services that promise to contribute substantially to the rehabilitation of a group of individuals but that are not related directly to the individualized plan for employment of any one individual with a disability.
- (b) If the State plan provides for any of these services to groups of individuals with disabilities, the designated State
- (1) written policies covering the nature and scope of each of the vocational rehabilitation services it provides and the criteria under which each service is provided; and
  - (2) information to ensure the proper and efficient administration of those services in the form and detail and at the time required by the Secretary, including:
    - (A) the types of services provided;
    - (B) the costs of those services; and
    - (C) to the extent feasible, estimates of the numbers of individuals benefiting from those services.

**5.6 Contracts and cooperative agreements.** (Section 101(a)(24) of the Act; 34 CFR 361.31 and .32)

**(a) Contracts with for-profit organizations.**

The designated State agency has the authority to enter into contracts with for-profit organizations for the purpose of providing, as vocational rehabilitation services, on-the-job training and related programs for individuals with disabilities under part A of title VI of the Act, upon the determination by the designated State agency that such for-profit organizations are better qualified to provide such vocational rehabilitation services than non-profit agencies and organizations.

**(b) Cooperative agreements with private non-profit organizations.**

The manner in which the designated State agency establishes cooperative agreements with private non-profit vocational rehabilitation service providers is described in **Attachment 4.9(c)(3).**

**SECTION 6: ADMINISTRATION OF THE PROVISION OF VOCATIONAL REHABILITATION SERVICES**

**6.1 Record of services.** (Section 101(a)(6)(A) of the Act; 34 CFR 361.47)

The designated State unit maintains for each applicant or eligible individual a record of services that satisfies the requirements of 34 CFR 361.47.

**EFFECTIVE DATE: July 1, 1999**



**6.2 Referrals and applications.** (Sections 101(a)(6)(A) and 102(a)(6) of the Act; 34 CFR 361.41)

- (a) The designated State unit has standards for the prompt and equitable handling of referrals of individuals for vocational rehabilitation services. These standards include timelines for making good faith efforts to inform individuals of application requirements and to gather information necessary to initiate an assessment to determine eligibility and priority of services.
- (b) Once an individual has submitted an application for vocational rehabilitation services, an eligibility determination is made within a reasonable period of time, not to exceed 60 days, unless:
  - (1) exceptional and unforeseen circumstances beyond the control of the designated State unit preclude making an eligibility determination within 60 days and the designated State unit and the individual agree to a specific extension of time; or
  - (2) the designated State unit is exploring an individuals abilities, capabilities, and capacities to perform in work situations under section 102(a)(2)(B) of the Act.

**6.3 Information and referral services.** (Section 101(a)(20) of the Act)

The designated State agency has implemented an information and referral system that is adequate to ensure that individuals with disabilities are provided accurate vocational rehabilitation information and guidance, using appropriate modes of communication, to assist such individuals in preparing for, securing, retaining, or regaining employment, and are appropriately referred to Federal and State programs, including other components of the statewide workforce investment system in the State.

**6.4 Ability to serve all eligible individuals; order of selection for services.** (Sections 12(d) and 101(a)(5) of the Act; 34 CFR 361.36)

- (a) The designated State unit is able to provide the full range of services listed in section 103(a) of the Act and subsection 5.1 of this State plan, as appropriate, to all eligible individuals with disabilities in the State who apply for services.

Yes \_\_\_ No X

- (b) **IF YES**, Attachment 4.12(c)(2)(B) contains an explanation that satisfies the requirements of 34 CFR 361.36(a)(2) or (3) and describes how, on the basis of the designated State unit's projected fiscal and personnel resources and its assessment of the rehabilitation needs of individuals with significant disabilities within the State, it will:
  - (1) continue to provide services to all individuals currently receiving services;
  - (2) provide assessment services to all individuals expected to apply for services in the next fiscal year;



- (3) provide services to all individuals who are expected to be determined eligible in the next fiscal year; and
  - (4) meet all program requirements.
- (c) **IF NO:**
  - (1) Individuals with the most significant disabilities are selected for vocational rehabilitation services before other individuals with disabilities.
  - (2) **Attachment 4.12(c)(2)(A)** contains:
    - (A) the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services; and
    - (B) a justification for the order of selection.
  - (3) Eligible individuals who do not meet the order of selection criteria are provided access to the services provided through the designated State unit's information and referral system implemented under section 101(a)(20) of the Act and subsection 6.3 of this State plan.

**6.5 Assessment for determining eligibility and priority for services.** (Sections 7(2)(A)(i) and (D), 7(20)(A), 101(a)(12) and 102(a)(1)(A), (2)(B) and (4) of the Act)

- (a) To determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under an order of selection for services, if the State is operating under an order of selection, the designated State unit, to the maximum extent possible consistent with the requirements of this State plan, uses existing and current information, including information available from other programs and providers, particularly information provided by education officials and the Social Security Administration, and information provided by the applicant and the family of the applicant.
- (b) To the extent that existing information is unavailable or insufficient, the designated State unit provides appropriate assessment activities to obtain necessary additional information to make the determination regarding the applicant's eligibility, and, if applicable, the applicant's priority under an order of selection.
- (c) The State unit's determination of an applicant's eligibility for vocational rehabilitation services is based only on the following requirements.
  - (1) A determination that the applicant has a physical or mental impairment.
  - (2) A determination that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment.
    - (3) A presumption, in accordance with section 102(a)(2)(A) of the Act and paragraph (d) of this subsection of the State plan, that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.



- (4) A determination that the applicant requires vocational rehabilitation services to prepare for, secure, retain, or regain employment.
- (d) The designated State unit presumes that an applicant who meets the eligibility requirements in subparagraphs (c)(1) and (c)(2) of this subsection of this State plan can benefit in terms of an employment outcome unless the designated State unit can demonstrate by clear and convincing evidence that the applicant is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the individual's disability. In making such a demonstration, the designated State unit first explores the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences consistent with the provisions of sections 7(2)(D) and 102(a)(2)(B) of the Act.
- (e) If there is appropriate evidence that establishes the applicant's eligibility for Social Security benefits under Title II or Title XVI of the Social Security Act, the designated State unit:
  - (1) presumes the applicant to be eligible for vocational rehabilitation services under this State plan (provided that the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual) unless the designated State unit can demonstrate by clear and convincing evidence that the applicant is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability of the individual in accordance with the provisions of section 102(a)(2) of the Act and paragraph 6.5(d) of this State plan; and
  - (2) considers the applicant to be an individual with a significant disability consistent with the provisions of section 7(21)(A) of the Act.
- (f) In the application of the eligibility criteria, the following requirements are met.
  - (1) No duration of residence requirement is imposed that excludes from services under the plan any individual who is present in the State.
  - (2) No applicant or group of applicants is excluded or found ineligible solely on the basis of the type of disability.
  - (3) The eligibility requirements are applied without regard to the age, gender, race, color, creed, or national origin of the applicant.
  - (4) The eligibility requirements are applied without regard to the particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family.

**6.6 Procedures for ineligibility determination.** (Section 102(a)(5) of the Act; 34 CFR 361.43)

If the State unit determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an individualized plan for employment is no longer eligible for services, the State unit:

**EFFECTIVE DATE: July 1, 1999**



- (a) makes the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative;
- (b) informs the individual or, as appropriate, the individual's representative, in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination, including:
  - (1) the reasons for the determination; and
  - (2) the description of the means by which the individual may express, and seek remedy for, any dissatisfaction with the determination, including the procedures for the review by an impartial hearing officer consistent with the provisions of section 102(c) of the Act and subsection 4.16 of this State plan;
- (c) provides the individual with a description of services available from the client assistance program and information on how to contact that program; and
- (d) reviews any ineligibility determination that is based on a finding that the individual is incapable of benefiting in terms of an employment outcome from the provision of vocational rehabilitation services within 12 months and annually thereafter, if such a review is requested by the individual or, if appropriate, by the individual's representative, except when the:
  - (1) individual has refused the review;
  - (2) individual is no longer present in the State;
  - (3) individual's whereabouts are unknown; or
  - (4) individual's medical condition is rapidly progressive or terminal.

**6.7 Closure without ineligibility determination.** (Sections 12(c) and 101(a)(6)(A) of the Act; 34 CFR 361.44)

The State unit does not administratively close an applicant's record of services prior to making an eligibility determination unless the:

- (a) applicant declines to participate in, or is unavailable to complete an assessment for determining eligibility and priority for services; and
- (b) State unit has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.

**6.8 Availability of comparable services and benefits.** (Sections 101(a)(8) and 103(a) of the Act; 34 CFR 361.53)

- (a) Prior to providing any vocational rehabilitation services, except those services identified in paragraph (d) of this subsection, to an eligible individual, or to members of the individual's family, the State unit determines whether comparable services and benefits



exist under any other program and whether those services and benefits are available to the individual.

- (b) If comparable services or benefits exist under any other program and are available to the eligible individual at the time needed to achieve the provisions of the individual's individualized plan for employment, the State unit uses those comparable services or benefits to meet, in whole or in part, the cost of vocational rehabilitation services.
- (c) If comparable services or benefits exist under any other program, but are not available to the individual at the time needed to satisfy the provisions of the individual's individualized plan for employment, the State unit provides vocational rehabilitation services until those comparable services and benefits become available.
- (d) The following services are exempt from a determination of the availability of comparable services and benefits:
  - (1) assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;
  - (2) counseling and guidance, including information and support services to assist an individual in exercising informed choice consistent with the provisions of section 102(d) of the Act;
  - (3) referral and other services to secure needed services from other agencies through agreements developed under section 101(a)(11) of the Act, if such services are not available under this State plan;
  - (4) job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;
  - (5) rehabilitation technology, including telecommunications, sensory, and other technological aids and devices; and
  - (6) post-employment services consisting of the services listed under subparagraphs (1) through (5) of this paragraph.
- (e) The requirements of paragraph (a) of this subsection also do not apply if the determination of the availability of comparable services and benefits under any other program would interrupt or delay:
  - (1) progress of the individual toward achieving the employment outcome identified in the individualized plan for employment;
  - (2) an immediate job placement; or
  - (3) provision of such service to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional.



- (f) The Governor of the State in consultation with the designated State vocational rehabilitation agency and other appropriate agencies ensures that there is an interagency agreement or other mechanism for interagency coordination that meets the requirements of section 101(a)(8)(B)(i)-(iv) of the Act between any appropriate public entity, including the State medicaid program, public institution of higher education, and a component of the statewide workforce investment system, and the designated State unit so as to ensure the provision of the vocational rehabilitation services identified in section 103(a) of the Act and subsection 5.1 of this State plan, other than the services identified in paragraph (d) of this subsection, that are included in the individualized plan for employment of an eligible individual, including the provision of such services during the pendency of any dispute that may arise in the implementation of the interagency agreement or other mechanism for interagency coordination.

**6.9 Participation of individuals in cost of services based on financial need.** (Section 12(c) of the Act; 34 CFR 361.54)

- (a) No financial needs test is applied and no financial participation is required as a condition for furnishing the following vocational rehabilitation services:
- (1) assessment for determining eligibility and priority for services, except those non-assessment services that are provided during an exploration of the individual's abilities, capabilities, and capacity to perform in work situations, consistent with the requirements of sections 7(2)(D) and 102(a)(2)(B) of the Act;
  - (2) assessment for determining vocational rehabilitation needs;
  - (3) counseling and guidance, including information and support services to assist an individual in exercising informed choice;
  - (4) referral and other services to secure needed services from other agencies through cooperative agreements under section 101(a)(11) of the Act and subsection 4.9 of this State plan, if such services are not available under this State plan; and
  - (5) job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services.
- (b) The State unit considers the financial need of eligible individuals, or individuals who are receiving services during an exploration of an individual's abilities, capabilities, and capacity to perform in work situations consistent with subparagraph (1) of paragraph (a) of this subsection, in order to determine the extent of the individual's participation in the costs of vocational rehabilitation services.

Yes X No

(c) **IF YES:**

- (1) The State unit has written policies on the determination of financial need that are consistent with the provisions of 34 CFR 361.54 and these policies:
- (A) are applied uniformly to all individuals in similar circumstances; and

**EFFECTIVE DATE: July 1, 1999**



- (B) ensure that the level of the individual's participation in the cost of vocational rehabilitation services is:
  - (i) reasonable;
  - (ii) based on the individual's financial need, including the consideration of any disability-related expenses paid by the individual; and
  - (iii) not so high as to effectively deny the individual a necessary service.

- (2) **Attachment 6.9(c)(2)** specifies the services for which the designated State unit has a financial needs test.

**6.10 Development of the individualized plan for employment.** (Sections 7(2)(B), 101(a)(9), and 102(b)(1) and (2) of the Act)

- (a) The designated State unit conducts an assessment to determine the vocational rehabilitation needs for each eligible individual, including the need for supported employment services, or, if the State is operating under an order of selection, for each eligible individual to whom the State is able to provide services, for the purpose of identifying the provisions to be included in the individualized plan for employment that meets the requirements of section 102(b) of the Act.
- (b) The development of the individualized plan for employment meets the following procedural requirements.
  - (1) The individualized plan for employment is developed and implemented in a timely manner subsequent to the determination of the eligibility of the individual for services under this State plan, except if the State is operating under an order of selection, the individualized plan for employment is developed and implemented only for individuals to whom the State is able to provide services.
  - (2) The designated State unit provides to the eligible individual or the individual's representative, in writing and in an appropriate mode of communication, information on the individual's options for the development of the individualized plan for employment, including:
    - (A) information on the availability of assistance, to the extent determined appropriate by the eligible individual, from a qualified vocational rehabilitation counselor in developing all or part of the individualized plan for employment for the individual, and the availability of technical assistance in developing all or part of the individualized plan for employment for the individual;
    - (B) a description of the full range of components that must be included in an individualized plan for employment;



- (C) as appropriate,
    - (i) an explanation of agency guidelines and criteria associated with financial commitments concerning an individualized plan for employment;
    - (ii) additional information the eligible individual requests or the designated State unit determines to be necessary; and
    - (iii) information on the availability of assistance in completing designated State agency forms required in developing an individualized plan for employment;
  - (D) a description of the rights and remedies available to the eligible individual, including, if appropriate, recourse to mediation and the impartial due process hearing consistent with the provisions of section 102(c) of the Act and subsection 4.16 of this State plan; and
  - (E) a description of the availability of the client assistance program and information about how to contact the program.
- (3) The individualized plan for employment is developed as a written document prepared on forms provided by the designated State unit and is developed and implemented in a manner that affords eligible individuals the opportunity to exercise informed choice in selecting an employment outcome, the specific vocational rehabilitation services to be provided under the plan, the entity that will provide the vocational rehabilitation services, the settings in which the services will be provided, the employment setting, and the methods used to procure the services consistent with the provisions of section 102(d) of the Act.
  - (4) The individualized plan for employment is agreed to and signed by the eligible individual or, as appropriate, the individual's representative, and approved and signed by a qualified vocational rehabilitation counselor employed by the designated State unit with a copy of the individualized plan for employment provided to the individual or, as appropriate, to the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or, as appropriate, of the individual's representative.
  - (5) The individualized plan for employment is reviewed at least annually by a qualified vocational rehabilitation counselor and the eligible individual or, as appropriate, the individual's representative and amended, as necessary, by the individual or, as appropriate, the individual's representative, in collaboration with a representative of the designated State agency or a qualified vocational rehabilitation counselor, as determined to be appropriate by the individual.
  - (6) If there are substantive changes in the individualized plan for employment with respect to the employment outcome, the vocational rehabilitation services to be provided, or the providers of the services, such amendments to the individualized



plan for employment do not take effect until agreed to and signed by the eligible individual or, as appropriate, the individual's representative, and by a qualified vocational rehabilitation counselor employed by the designated State unit.

**6.11 Mandatory components of the individualized plan for employment.** (Sections 101(a)(9), 102(b)(3), and 625(b)(6)(C),(E), and (F) of the Act)

- (a)** Each individualized plan for employment includes, at a minimum, the following mandatory components describing the:
  - (1)** specific employment outcome that is chosen by the eligible individual, consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the eligible individual, and, to the maximum extent appropriate, results in employment in an integrated setting;
  - (2)** specific rehabilitation services that are:
    - (A)** needed to achieve the employment outcome, including, as appropriate, the provision of assistive technology devices and assistive technology services, and personal assistance services, including training in the management of such services; and
    - (B)** provided in the most integrated setting that is appropriate for the service involved and is consistent with the informed choice of the eligible individual;
  - (3)** timelines for the achievement of the employment outcome and for the initiation of services;
  - (4)** entity chosen by the eligible individual or, as appropriate, the individual's representative, that will provide the vocational rehabilitation services, and the methods used to procure the services;
  - (5)** criteria to evaluate progress toward achievement of the employment outcome;
  - (6)** terms and conditions of the individualized plan for employment, including, as appropriate, information related to the:
    - (A)** responsibilities of the designated State unit;
    - (B)** responsibilities of the eligible individual, including those related to:
      - (i)** the achievement of the employment outcome;
      - (ii)** participation, if applicable, in the paying the costs of the plan; and
      - (iii)** applying for and securing comparable benefits consistent with the requirements of section 101(a)(8) of the Act and subsection 6.8 of this State plan; and



- (C) responsibilities of other entities as the result of arrangements made pursuant to comparable services or benefits requirements as identified in section 101(a)(8) of the Act and subsection 6.8 of this State plan; and
- (7) projected need for post-employment services, as determined to be necessary.
- (b) The individualized plan for employment for individuals with the most significant disabilities for whom an employment outcome in a supported employment setting has been determined to be appropriate also contains the identification of the:
  - (1) extended services needed by the eligible individual; and
  - (2) source of the extended services or, to the extent that the source of extended services cannot be identified at the time of the development of the individualized plan for employment, the basis for concluding that there is a reasonable expectation that extended services will become available.

**6.12 Annual review of individuals in extended employment or other employment under special certificate provisions of the fair labor standards act of 1938.** (Section 101(a)(14) of the Act)

- (a) The designated State unit:
  - (1) conducts an annual review and reevaluation of the status of each individual with a disability served under this State plan who has achieved an employment outcome either in an extended employment setting in a community rehabilitation program or any other employment under section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214(c)) for 2 years after the achievement of the outcome (and annually thereafter if requested by the individual or, if appropriate, the individual's
  - (2) representative), to determine the interests, priorities, and needs of the individual with respect to competitive employment or training for competitive employment; and
  - (3) makes maximum efforts, including the identification and provision of vocational rehabilitation services, reasonable accommodations, and other necessary support services, to assist the individuals described in subparagraph (a)(1) in engaging in competitive employment.
- (b) The individual with a disability, or, if appropriate, the individual's representative has input into the review and reevaluation, and acknowledges through sign-off that such review and reevaluation have been conducted.

**STATE PLAN SUPPLEMENT FOR THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM**

**SECTION 7: PROGRAM ADMINISTRATION**

**EFFECTIVE DATE: July 1, 1999**



**7.1 Designated state agency.** (Section 625(b)(1) of the Act; 34 CFR 363.11(a))

The designated State agency for vocational rehabilitation services identified in subsection 1.2 of the title I State plan is the State agency designated to administer the State Supported Employment Services Program authorized under title VI, part B of the Act.

**7.2 Statewide assessment of supported employment services needs.** (Section 625(b)(2) of the Act; 34 CFR 363.11(b))

**Attachment 4.12(a)** describes the results of the comprehensive, statewide needs assessment conducted under section 101(a)(15)(a)(1) of the Act and subparagraph 4.12(a)(1) of the title I State plan with respect to the rehabilitation needs of individuals with significant disabilities and the need for supported employment services, including needs related to coordination.

**7.3 Description of the quality, scope, and extent of supported employment services.** (Section 625(b)(3) of the Act; 34 CFR 363.11(c) and .50(b)(2))

**Attachment 7.3** describes the quality, scope, and extent of supported employment services to be provided to individuals with the most significant disabilities who are eligible to receive supported employment services.

**7.4 Goals and plans for distribution of title VI, part B funds.** (Section 625(b)(3) of the Act; 34 CFR 363.11(d) and .20)

**Attachment 4.12(c)(3)** identifies the State's goals and plans with respect to the distribution of funds received under section 622 of the Act.

**7.5 Evidence of collaboration with respect to supported employment services and extended services.** (Sections 625(b)(4) and (5) of the Act; 34 CFR 363.11(e))

**Attachment 4.9(c)(4)** describes the efforts of the designated State agency to identify and make arrangements, including entering into cooperative agreements, with other State agencies and other appropriate entities to assist in the provision of supported employment services and other public or nonprofit agencies or organizations within the State, employers, natural supports, and other entities with respect to the provision of extended services.

**7.6 Minority outreach.** (34 CFR 363.11(f))

**Attachment 4.12(d)(2)** describes the designated State agency's outreach procedures for identifying and serving individuals with the most significant disabilities who are minorities.

**7.7 Reports.** (Sections 625(b)(8) and 626 of the Act; 34 CFR 363.11(h) and .52)

The designated State agency submits reports in such form and in accordance with such procedures as the Secretary may require and collects the information required by section 101(a)(10) of the Act separately for individuals receiving supported employment services under



part B of title VI and individuals receiving supported employment services under title I of the Act.

## **SECTION 8: FINANCIAL ADMINISTRATION**

### **8.1 Five percent limitation on administrative costs.** (Section 625(b)(7) of the Act; 34 CFR 363.11(g)(8))

The designated State agency expends no more than five percent of the State's allotment under section 622 of the Act for administrative costs in carrying out the State Supported Employment Services Program.

### **8.2 Use of funds in providing services.** (Sections 623 and 625(b)(6)(A) and (D) of the Act; 34 CFR 363.6(c)(2)(iv), .11(g)(1) and (4))

- (a)** Funds made available under title VI, part B of the Act are used by the designated State agency only to provide supported employment services to individuals with the most significant disabilities who are eligible to receive such services.
- (b)** Funds provided under title VI, part B are used only to supplement, and not supplant, the funds provided under title I of the Act, in providing supported employment services specified in the individualized plan for employment.
- (c)** Funds provided under part B of title VI or title I of the Act are not used to provide extended services to individuals who are eligible under part B of title VI or title I of the Act.

## **SECTION 9: PROVISION OF SUPPORTED EMPLOYMENT SERVICES**

### **9.1 Scope of supported employment services.** (Sections 7(36) and 625(b)(6)(F) and (G) of the Act; 34 CFR 363.11(g)(6) and (7))

- (a)** Supported employment services are those services as defined in section 7(36) of the Act.
- (b)** To the extent job skills training is provided, the training is provided on-site.
- (c)** Supported employment services include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities.

### **9.2 Comprehensive assessments of individuals with severe disabilities.** (Section 625(b)(6)(B); 34 CFR 363.11(g)(2))

The comprehensive assessment of individuals with significant disabilities, including the assessment of rehabilitation, career, and employment needs, conducted under section 102(b)(1)(A) of the Act and paragraph 6.10(a) of this State plan and funded under title I of the Act includes consideration of supported employment as an appropriate employment outcome.



**9.3 Individualized plan for employment.** (Sections 102(b)(3)(F) and 625(b)(6)(C) and (E) of the Act; 34 CFR 363.11(g)(3) and (5))

- (a) An individualized plan for employment that meets the requirements of section 102(b) of the Act and subsections 6.10 and .11 of this State plan is developed and updated using funds under Title I.
- (b) The individualized plan for employment:
  - (1) specifies the supported employment services to be provided;
  - (2) describes the expected extended services needed; and
  - (3) identifies the source of extended services, including natural supports, or, to the extent that it is not possible to identify the source of extended services at the time the individualized plan for employment plan is developed, a statement describing the basis for concluding that there is a reasonable expectation that sources will become available.
- (c) Services provided under an individualized plan for employment are coordinated with services provided under other individualized plans established under other Federal or State programs.



### **ATTACHMENTS REQUIRED OF ALL AGENCIES**

**Attachment 4.9(c):** Cooperation and Coordination with Other Agencies and Other Entities

- (1) Cooperation with Agencies That Are Not in the Statewide Workforce Investment System and with Other Entities
- (2) Coordination with Education Officials
- (3) Cooperative Agreements with Private Non-profit Vocational Rehabilitation Service Providers
- (4) Evidence of Collaboration Regarding Supported Employment Services and Extended Services

**Attachment 4.11(b):** Comprehensive System of Personnel Development

**Attachment 4.12** Assessments; Estimates; Goals and Priorities; Strategies; and Progress Reports

- (a): Results of Comprehensive Statewide Assessment of the Rehabilitation Needs of Individuals with Disabilities and Need to Establish, Develop, or Improve Community Rehabilitation Programs
- (b): Annual Estimates of Individuals to Be Served and Costs of Services
- (c)(1): States Goals and Priorities
- (c)(3): Goals and Plans for Distribution of Title VI, Part B Funds
- (d): States Strategies and Use of Title I Funds for Innovation and Expansion Activities
- (1) To Address Needs Identified in the Comprehensive Assessment and to Achieve Identified Goals and Priorities
- (2) To Carryout Outreach Activities to Identify and Serve Individuals with the Most Significant Disabilities Who are Minorities
- (3) To Overcome Identified Barriers Relating to Equitable Access to and Participation of Individuals with Disabilities in the State Vocational Rehabilitation Services Program and the State Supported Employment Services Program.
- (e): Evaluation and Report of Progress in Achieving Identified Goals and Priorities and Use Of Title I Funds for Innovation and Expansion Activities

**Attachment 4.16(b)(2):** Mediation and Impartial Due Process Hearing Procedures

**Attachment 7.3:** Quality, Scope, and Extent of Supported Employment Services

### **ATTACHMENTS CONTINGENT ON OPTIONS SELECTED**

The following attachments identified by an "X" are also submitted as part of the State plan.

**X** **Attachment 4.2(c):** Summary of Input and Recommendations of the State Rehabilitation Council; Response of the Designated State Unit; and Explanations for Rejection of Input or Recommendations

     **Attachment 4.5:** Local Administration

     **Attachment 4.6(a)(3):** Request for Waiver of Statewideness



**Attachment 4.7(b):**                      Shared Funding and Administration of Joint Program

  X **Attachment 4.12(c)(2)(A):** Order of Selection

   **Attachment 4.12(c)(2)(B):**    Explanation to Support the Decision Not to Establish an Order of Selection

  X **Attachment 6.9(c)(2):**            Services Subject to Financial Needs Test



Attachment 4.2(c): Summary of Input and Recommendations of the State Rehabilitation Council; Response of the Designated State Unit; and Explanations for Rejection of Input or Recommendations

The Statewide Council for Vocational Rehabilitation (SCVR) was established in May 1993 with appointments to the council by Executive Order of the Governor of the Commonwealth of Kentucky to meet requirements of the Rehabilitation Act of 1973, as amended by Public Law 105-220. The SCVR provides input; reviews, analyzes and recommends policy changes; monitors consumer satisfaction, and assists in developing goals and priorities for the Kentucky Office of Vocational Rehabilitation. The SCVR met with Office staff on June 13, 2003, October 13, 2003, December 8, 2003, and March 15, 2004. The following recommendations were made:

### **Related to Budgetary/Staff Restrictions**

The SCVR recommended that the Office's Program Planning and Development Branch research how the spending and hiring restrictions were impacting consumers services.

- The Office is conducting on going analysis of caseload statistics and spending patterns to assist the Office leadership in determining staffing and budgetary needs. Despite significant restrictions, the Office has been able to fill critical counselor positions as well as medical staff at the Carl D. Perkins Comprehensive Rehabilitation Center and interpreters. The dedication of staff and the Council resulted in an increase of positive employment outcomes in FY 2003 of 216 over FY 2002.

### **Related to Community Rehabilitation Programs (CRPs)**

The SCVR recommended that the Office assess the feasibility of increasing the utilization of CRPs to assist the Office serve eligible consumers.

- The Office is very receptive to utilizing CRPs as appropriate to assist eligible individuals achieve their career goals. The Office has invited CRPs across the Commonwealth to submit proposals for innovative pilot projects to better serve consumers. Two pilots have been submitted and approved. One pilot addresses interpersonal skills and behaviors that might interfere with obtaining or maintaining employment. A second pilot provides skills training needed for employment in a medical office setting.
- Beginning in October 2003, the Office approved a new fee for CRPs to assist SSI/SSDI recipients maintain employment by providing support services in navigating the reporting requirements and various work incentives of the Social Security Administration. Additionally, a bonus system was initiated that allowed for higher compensation for CRPs when individual placements meet quality indicators related to wages and benefits.
- The Office has developed cooperative agreements with various CRPs that are also Employment Networks (ENs) under the Ticket to Work Program. These agreements allow ENs to assume case management and job placement responsibilities and be compensated under the ticket payment options when a ticketholder wishes to work with both the Office and an Employment Network.
- The Office presented an analysis of the FY2003 expenditures for CRP services to the SCVR at the March 15, 2004 meeting. In fiscal year 2003, the Office paid \$2,016,374.05 to forty CRPs resulting in 419 PEOs.



The Office paid \$1,643,080 to 60 supported employment vendors resulting in 258 positive employment outcomes. Over 1/3 of supported employment (SE) programs are also CRPs. Analyses of FY 2004 authorizations show a slight increase in CRP usage.

The SCVR recommended that the Office conduct a yearly analysis of CRP expenditures and present to the Council at the December meeting. The Office accepted this recommendation and will conduct yearly studies of CRP usage.

### **Related to Legislative Issues**

The SCVR recommended that a method be developed to disseminate information on Federal and State legislation quickly to SCVR members.

- A system of determining critical information and timely dissemination was developed. The Public Awareness and Legislation Committee members receive periodic e-mail updates of legislative action. The committee chair determines if the information should be forwarded to the entire Council. The SCVR is provided with legislative updates from the Council for State Administrators of Vocational Rehabilitation.

### **Related to Alternative Meeting methods**

The SCVR recommended that alternative means of meeting between quarterly full Council meetings be explored and implemented.

- The Office is in full agreement with this recommendation. Many of the Committees of the Council are conducting business via e-mail, chat groups, and teleconferences. The Office will continue to explore timely, assessible ways of supporting SCVR business between quarterly meetings.

### **Related to Comprehensive System of Personnel Development**

The SCVR recommended the Office take into consideration the obtainment of required certifications when hiring or advancing employees of the Office.

- The Office actively recruits certified rehabilitation counselors to fill counseling positions in the Office. When appropriate certified applicants are not available, the Office hires individuals that are not certified with the understanding that they will participate in the necessary training to become certified within five (5) years of employment.
- The Office agrees that field administrators should be required to have the same CSPD certification as those they supervise. The field administrators are expected to meet CSPD requirements and are offered the same career development resources as counselors and other rehabilitation specialists to meet that goal. As other job classifications come under CSPD requirements, similar resources and requirements will extend to those job classes.

The SCVR recommends that staff be evaluated in their performance appraisals on their progress in meeting CSPD requirements.



- The Office and Kentucky State Government agree with the SCVR. Every state government employee is evaluated on his or her career development. For Office employees in positions currently under CSPD requirements, this includes progress toward achieving certification and maintenance of certification.

### **Related to Development of the State Plan and Attachments**

- The SCVR Policy and Planning Committee worked with the VR staff to review input and develop the State Plan and Attachments, which were presented and approved at the March 15, 2004 meeting.

### **Regarding Procedures for Informing SCVR of Policy Decisions needing Input**

- The SCVR Policy and Planning Committee submitted a form to be used by Office leadership to solicit input from the SCVR on policy decisions.

The Office approved the use of the form and complimented the SCVR on their design, which should increase the efficiency of the process.

### **Related to Training of SCVR Members**

The SCVR recommended that the Office provide ongoing training to the Council.

- The Office incorporated one and one-half to two hour training sessions into the quarterly SCVR meetings. Topics addressed included: the Kentucky Legislative process and bills of interest to the Council and individuals with disabilities; Workforce Investment Act; Ticket to Work; and the VR budget.
- The Office provided new Council Member training at the October 13, 2003 meeting. Topics included VR history, mission, and values; eligibility; services; and Council functions/responsibilities.
- The Office invites and supports council member participation in all Office-sponsored training.
- The Office invites and supports council member participation in the National Rehabilitation Association, Southeast Regional Rehabilitation Association, Southeast Regional Institute on Deafness, Association of Persons in Supported Employment, and the Kentucky Rehabilitation Association training conferences.
- The SCVR co-chair attended the Council for State Administrators of Vocational Rehabilitation meeting in San Francisco in November 2003 and attended training on effective State Vocational Rehabilitation Councils.

### **Related to Employer/Council Recognition Dinner**

The SCVR recommended that the Office change the date of the yearly dinner to recognize employers who have been instrumental in the success of consumers in the workplace to correspond with disability awareness month in October.



- The Office supports this recommendation fully and has been pleased to partner with SCVR in hosting this yearly event.

### **Related to Consumer Satisfaction Survey**

The SCVR recommended further analysis of cases that were closed unsuccessfully in FY 2002 and FY 2003. The results of the 2002 Consumer Satisfaction Survey indicated that a number of individuals whose cases were closed unsuccessful after receiving services became employed within the calendar year their case was closed. The Customer Service and Program Evaluation Committee asked the Office to further analyze the characteristics of individuals whose cases were closed unsuccessfully to assist in improving program effectiveness.

- The Office provided an analysis of the requested data at the March 15, 2004 meeting. The Consumer Services and Program Evaluation Committee recommended that the survey continue to be conducted by the University of Kentucky Research Center and that a table of contents and several questions be added to the FY 2004 survey. The committee further recommended that one question be changed to improve the accuracy of the data.

The Office agrees with the recommendations and commends the Consumer Services and Program Evaluation Committee as well as the SCVR on their outstanding work.

The SCVR recommended that the Office continue to contract with the University of Kentucky to conduct a Consumer Satisfaction Survey.

- The Office contracted with the Interdisciplinary Human Development Institute (IHDI) at the University of Kentucky to conduct the survey in November and December 2003 to provide information regarding the experiences of consumers who had cases closed in fiscal year 2003. The University of Kentucky Survey Research Center contacted a random sample of consumers by telephone and TTY. The preliminary results were presented at the March 15, 2004 Customer Service and Program Evaluation Committee meeting.

### **Related to Location of Council Meetings**

The SCVR recommended that the June meetings of the Council be held at the Carl D. Perkins Comprehensive Rehabilitation Center on the date of the Center Graduation so Council members can participate in the celebration.

- The Office is thrilled that the Council wants to consistently participate in this very important event.



#### Attachment 4.9 Cooperation, collaboration, and coordination

The Office is currently reviewing, revising and expanding cooperative agreements with agencies and entities such as community mental health agencies, the Veterans Administration, and community rehabilitation service providers. The Office has had long-standing relationships with many partners both within and without the workforce system in order to effectively identify eligible individuals with disabilities and to achieve the maximum success in assisting individuals with disabilities into successful employment outcomes. The extent of collaboration and partnerships is reflected throughout the Attachments to the State Plan for Vocational Rehabilitation. Current efforts are focused on building more effective partnerships and relationships with entities throughout the state who can support efforts to provide the most effective outreach to identify individuals with disabilities and to expand the employment opportunities for Kentuckians with disabilities.

The Office has been and will continue to be an active partner in One-Stop Career Centers throughout the state. The Office has also been working to develop a cooperative agreement with the Cabinet for Children and Families in order to assist individuals with disabilities who are receiving welfare benefits into economic self sufficiency and independence.

The Office also maximizes utilization of available Community Rehabilitation Programs to maximize successful employment outcomes for Office consumers. [See Attachment 4.12(a)]

Office programs to facilitate transition of students with disabilities [See Attachment 4.8] continue to be a priority. Current efforts are focused on updating cooperative agreements with the Department of Education, Office of Exceptional Children as well as with local educational entities. The Office is also working collaboratively with post-secondary educational entities throughout the state.

The Office also collaborates with the Kentucky Department of Mental Health/Mental Retardation (DMHMR), through fourteen (14) Community Mental Health/Mental Retardation Centers, for supported employment service provision to customers with the most significant disabilities. Office funds are utilized for initial services, such as job selection, job development, and stabilization services. Agreements are developed at the local level with service providers who utilize DMHMR funding as the primary source of long-term support. The Office is involved with the Kentucky Association of Persons in Supported Employment (KY APSE) and the Kentucky Disabilities Coalition (KDC) in active pursuit of additional funds for long-term support, as there is a significant shortage of these dollars. Collaborative efforts in this regard are also being developed with the Department of Medicaid Services (Supports for Community Living Waiver), the Medicaid used computer equipment for Waiver for Services for Individuals with Brain Injuries, and other local entities that have discretionary dollars available for supported employment services. [See Attachment 4.9(c)(4)]

The Office is a partner with the Kentucky Office for the Blind, Kentucky Industries for the Blind and the National Cristina Foundation in a program that collects used computers from corporations and other entities and distributes them to economically disadvantaged individuals, individuals with disabilities and non-profit organizations. The Kentucky Industries for the Blind



is the lead organization for the program in Kentucky, collecting the equipment, warehousing it and preparing it for distribution. The Office's role in this collaboration is to solicit donations when possible and to distribute appropriate equipment to Office consumers.

The Office also collaborates with the Kentucky Office for the Blind in the direct delivery of rehabilitation technology services. Like the Office, the Office for the Blind has regional rehabilitation technology coordinators. The coordinators from the two Offices assist each other in covering their respective regions. They call on each others particular areas of expertise to solve specific problems. The Office for the Blind has two rehabilitation engineers who are now at the disposal of the Office's Rehabilitation Technology Branch. The Office for the Blind is able to utilize the rehabilitation engineer at the University of Kentucky when necessary.

The Office continues to collaborate with the Kentucky Assistive Technology Service (KATS) Network. The KATS Network is the Tech Act project in Kentucky, one of the original nine in the nation. The Office collaborates with the KATS Network on staff and consumers.

The needs of the Office consumers require continuous efforts to review, revise and expand cooperative and collaborative efforts with other agencies and entities throughout Kentucky. The Office has established a team whose mission is to review and update all current cooperative agreements and to expand those agreements where possible. All branches of the Office are involved in expanding effective collaborative efforts to support the mission of the Office.



Attachment 4.9(c): Cooperation and Coordination with Other Agencies and Other Entities

(1) Cooperation with Agencies That Are Not in the Statewide Workforce Investment System and with Other Entities

The Office will assure that the Governor of the State, in consultation with other appropriate agencies will have in place interagency agreements or other mechanisms for interagency coordination between any appropriate public entity including the state Medicaid Program, a public institution of higher education and a component of the statewide workforce investment system. This will ensure the provision of vocational rehabilitation services described in subparagraph (A) other than those specified in paragraph (5) (D), and in paragraphs (1) through (4) and (14) of Section 103 (a) of the Rehabilitation Act Amendments of 1998, that are included in the individualized plan for employment of an eligible individual, including the provision of such vocational rehabilitation services during the duration of any dispute. Such agreements shall include the following:

- (i) A description of a method for defining the financial responsibility of a public entity for providing such services, and a provision stating the financial responsibility of such public entity for providing such services.
- (ii) Information specifying the conditions, terms, and procedures under which the Office shall be reimbursed by other public entities for providing such services.
- (iii) Information specifying procedures for resolving interagency disputes under the agreement.
- (iv) Information specifying policies and procedures for public entities to determine and identify the interagency coordination responsibilities of each public entity to promote the coordination and timely delivery of vocational rehabilitation services (except those services specified in paragraph (5)(D) and in paragraphs (1) through (4) and (14) of Section 103 (a) of the Act.

RESPONSIBILITIES OF OTHER PUBLIC ENTITIES

If any public entity other than the Office is obligated under Federal or State law, or assigned responsibility under State policy or under regulations set forth in the 1998 Amendments to the Act, to provide or pay for any services that are also considered to be vocational rehabilitation services (other than those specified in paragraph (5) (D) and in paragraphs (1) through (4) and (14) of Section 103 (a), such public entity shall fulfill that obligation or responsibility, either directly or by contract or other arrangement.

1. If a public entity other than the Office fails to provide or pay for the services for an eligible individual, the Office shall provide or pay for such services to the individual. The Office may claim reimbursement for the services from the public entity that failed to provide or pay for such services. Such public entity shall reimburse the Office pursuant to the terms of the interagency agreement or other mechanism described in the



Rehabilitation Act Amendments of 1998, according to the procedures established in such agreement or mechanism pursuant to the established conditions, terms and procedures of reimbursement.

2. Signed agreements between respective officials of the public entities that outline and identify the responsibilities of each public entity relating to the provision of services shall be in place.

## COOPERATION WITHIN THE WORKFORCE INVESTMENT SYSTEM

When the Office enters into a cooperative agreement with another entity that is a component of the statewide workforce investment system of the state, the agreement may provide for the provision of inter-component staff training and technical assistance that may include, but is not limited to the following areas:

- i. the availability of benefits of and information on eligibility standards for vocational rehabilitation services; and
- ii. the promotion of equal, effective, and meaningful participation by individuals with disabilities in workforce investment activities in the State through the promotion of program accessibility, the use of nondiscriminatory policies and procedures, and the provision of reasonable accommodations, auxiliary aids and services and rehabilitation technology for individuals with disabilities.

Said agreement may also provide for:

- (1) The use of information and financial management systems that link all components of the statewide workforce investment system, that link the components to other electronic networks, including non-visual electronic networks, and that relate to such subjects as employment statistics and information on job vacancies, career planning, and workforce investment activities.
- (2) The use of customer service features such as common intake and referral procedures, customer databases, resource information and human service hotlines.
- (3) The establishment of cooperative efforts with employers to facilitate job placement; and carry out any other activity that the Office and the employers determine to be appropriate.
- (4) The identification of staff roles, responsibilities, and available resources, and specification of the financial responsibility of each component of the statewide workforce investment system with regard to paying for necessary services (consistent with State law and Federal requirements); and
- (5) Specification of procedures for resolving disputes among such components.



## RECIPROCAL REFERRAL SERVICES WITH THE OFFICE FOR THE BLIND

The Office of Vocational Rehabilitation and the Office for the Blind have established reciprocal referral services, which allow for more efficient services to individuals with disabilities. The two agencies jointly plan activities to improve services in the State for individuals with multiple impairments, including individuals with dual sensory loss. A joint training was held in January 1999 to teach staff from both agencies concerns relating to individuals who have dual-sensory loss. Helen Keller National Center staff were present to conduct these sessions. The two Vocational Rehabilitation Agencies share space in the Charles McDowell Rehabilitation Center, Central Office and in many One-Stop Career Centers across the State.

## KENTUCKY INITIATIVES FACILITATING COOPERATION

Kentucky is implementing several initiatives that will simplify access to information and services, cultivate community and state partnerships, focus on specific community needs, promote shared training and resources among agencies, provide service coordination, and deliver a comprehensive reporting feature in a consumer friendly system. An electronic data system that is to be implemented as part of the Workforce Investment Act (WIA) planning of Kentucky will improve common data collection on consumers with self-service functions including registration and assessment. A statewide directory of resources and services will be available on the Internet, with links to a geographic information system providing specific local points of services. Electronic connectivity among state agencies, educational institutions, military installations, economic development organizations and employers will increase access points, improve the quality of information for staff and consumers, and help provide workers for jobs and jobs for workers. Plans also include a virtual office telecommuting pilot project to enable data and information sharing.

The Office participates in a common intake and referral system established by the Kentucky State Initiative Simplified Access. Simplified Access allows consumers a single point of access to training and employment services administered by the Cabinet for Workforce Development under which the Office falls. The interagency agreement to share information allows consumers to sign a revocable release that permits relevant record sharing and use, in order to access potential service, determine program eligibility, and permit subsequent service plan development by service providers and case managers. Other features of Simplified Access are common intake for consumers, information sharing among programs, client tracking and a shared resource directory.

The Office has established relationships with other entities within the Workforce Investment System and has jointly developed the following programs:

1. The Office is an active partner in the twenty-two Labor Market Area One-Stop Centers throughout the state as part of the One-Stop Implementation grant.



2. The Office is currently developing a cooperative agreement with the Cabinet for Families and Children in order to facilitate identification and effective outreach to welfare recipients who are individuals with disabilities.
3. The Office has a grant through the Department of Adult Education and Literacy to provide testing and other educational opportunities for adults at the Carl D. Perkins Comprehensive Rehabilitation Center. Perkins Center also has a cooperative agreement with the American Council on Education to provide the External Diploma Program for adults at the Center.

The Office is currently reviewing, revising and expanding cooperative agreements with agencies and entities within the workforce system and other appropriate agencies including the Department of Juvenile Justice, the Veterans Administration, and community mental health centers. Efforts to expand partnerships and enhance cooperative efforts will continue in order to support the most effective outreach to identify individuals with disabilities and to expand employment opportunities for Kentuckians with disabilities.

The Office has participated with the Office for the Blind and the Department for Workforce Investment to establish electronic networks linking employment and employer information together, and establishing an internet system whereby consumers can post resumes and employers can access job seekers through this network system.

The Kentucky Telelinking Network provides the infrastructure for the delivery of interactive television classrooms and video-conferencing capability. This fiber-optic network links universities, community colleges, public schools, agencies, and libraries in the state. Centralized data collection and information access is possible through a mainframe computer housed by the Department of Information Systems.

The Office will continue to establish cooperative efforts with employers to facilitate job placement and carry out any other activity that the Office and Statewide Council for Vocational Rehabilitation determine to be appropriate.

The Office will identify and delineate staff roles, responsibilities and available resources and specification of the financial responsibility of each component of the statewide workforce investment system with regard to paying for the necessary services that are consistent with State law and Federal requirements. The Office will specify procedures for resolving disputes among such components.

The Office shall provide for the development of cooperative agreements at local levels between individual offices of the Office and local entities carrying out activities through the statewide workforce investment system.

The Office participates in all local area One-Stop Centers. Other programs that are currently involved in these Centers are the Department for Employment Services, Unemployment Insurance, Migrant and Seasonal, and Veteran's Services. In some Centers there are full-service Adult Learning Labs. Involvement from other agencies include Older Americans Act agencies,



Education and Training Institutions, Adult Dislocated Workers and Youth Services. With the implementation of the Workforce Investment Act, it is anticipated that there will be collaboration, cooperation and commitment to these Centers by all partners.

## INFORMATION AND REFERRAL ASSURANCE

The Office will implement an information and referral system to ensure that individuals who have disabilities will be provided accurate vocational rehabilitation information and guidance using appropriate modes of communication, to assist such individuals in preparing for, securing, retaining, or regaining employment. The Office will assure the referral of these individuals to other appropriate Federal and State programs if it is unable to serve them.

Appropriate referrals made through the system shall be to the Federal, State or local programs, including programs carried out by other components of the statewide workforce investment system in Kentucky that are best suited to address the specific employment needs of an individual with a disability. Referral for each of these programs will include provision to the individual of the following:

1. a notice of the referral by the designated State agency to the agency carrying out the program;
2. information identifying a specific point of contact within the agency carrying out the program; and
3. information and advice regarding the most suitable services to assist the individual to prepare for, secure, retain, or regain employment.

All applicants and eligible individuals or, as appropriate, the applicants' representatives or individuals' representatives, will be provided information and support services to assist the applicants and individuals in exercising informed choice throughout the rehabilitation process, consistent with Section 102(d) of the Rehabilitation Act Amendments of 1998. A Client Assistance Program is available for additional assistance and advocacy during the entire rehabilitation process.

### (2) Coordination with Education Officials

1. The Office participates with the Kentucky Department of Education and other state agencies on the Kentucky Interagency Executive Transition Council. The Council's agreement, entitled "The Kentucky Interagency Agreement on Transition Services" provides for a statewide system of coordination among agencies in the delivery of transition services. This coordination is designed to facilitate the transition of students with disabilities from the receipt of educational services in school, to the receipt of vocational rehabilitation services including provisions for:



- (i) consultation and technical assistance to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including vocational rehabilitation services;
  - (ii) transition planning by Office staff and staff from the educational institution for students with disabilities that facilitates the development and completion of their individualized education programs;
  - (iii) the roles and responsibilities, including financial responsibilities of each agency, and including provisions for determining State lead agencies and qualified personnel responsible for transition services; and
  - (iv) procedures for outreach to and identification of students with disabilities who need the transition services.
2. All Kentucky school systems have a counselor assigned by the Office to serve students with disabilities within that system. The interagency cooperative agreement designates the Department of Education and the Office of Vocational Rehabilitation as lead agencies. For the purposes of the transition grant signed in 1992, the lead agency is the Department of Education. All Office cooperative efforts are evaluated yearly. Two rehabilitation administrators are responsible on a part-time basis for the Office's transition initiatives. Efforts to follow-up and evaluate the success of youth in transition are included as an element of the Individualized Career Plan.
3. Counselors schedule regular visits to their assigned school districts to accept referrals. In addition, many counselors conduct annual surveys of students to identify students with disabilities who require rehabilitation services in order to successfully transition from school to work. Counselors also participate in "transition fairs" targeting parents and consumers in order to increase awareness of transitioning services and programs. Counselors in some areas of the state are members of the local "Committee for Kids," a community effort to identify youth most at risk (many of whom have disabilities) and design services to meet student/consumer needs.
4. Vocational rehabilitation services are provided to all school systems though general rehabilitation counselors assigned responsibility to serve students with disabilities in the local districts. The districts and the rehabilitation counselors have jointly developed referral systems to assure that students not receiving special education services are informed about available rehabilitation services. Students with disabilities are most often identified through widely administered screening instruments or referred directly by school counselors or teachers.
5. The Office has cooperative professional development programs for selected high school education teachers, local directors of special education, job coaches, rehabilitation counselors, and community based personnel who serve students with disabilities. Training focuses on development and implementation of community-based work transition services for students with disabilities.
6. The Office is in the process of appointing a representative from the Office of Exceptional Children to the Statewide Council for Vocational Rehabilitation (SCVR).



(3) Cooperative Agreements with Private Non-profit Vocational Rehabilitation Service Providers

The Office maintains agreements with providers of private, non-profit vocational rehabilitation service providers to support achievement of successful competitive employment outcomes for individuals with disabilities. The Office works with Community Rehabilitation Providers (CRPs) through a vendor application process to ensure quality services to Office consumers. The Office currently works with over 30 CRPs providing services resulting in competitive employment outcomes and over 50 CRPs providing services resulting in supported employment outcomes. Other cooperative agreements with private, non-profit Vocational Rehabilitation Service Providers will be made as necessary.

(4) Evidence of Collaboration Regarding Supported Employment Services and Extended Services

1. All of Kentucky's fourteen Regional Mental Health/Mental Retardation Boards have dollars budgeted for supported employment extended services, although in some regions funding is very limited. The fourteen Boards currently allocate approximately 6 million dollars to work/adult habilitation programs (generally segregated programs) and only 2.1 million dollars to supported employment. Efforts to make available additional monies for supported employment services through these Boards will continue. Cooperative budget planning is done between the Office of Vocational Rehabilitation and the Kentucky Department of Mental Health/Mental Retardation so that monies for all phases of supported employment (initial job development, training, and extended services) can be sought by each agency.
2. Using block-grant funds from the Kentucky Department of Mental Health/Mental Retardation Services (KDMHMRS), the Office will assist a minimum of twenty persons with long-term mental illness in the provision of extended supported employment services on a contractual basis. Supported employment service providers who are approved by the KDMHMRS and have vendorship agreements with the Office of Vocational Rehabilitation will deliver these services. In this way, both agencies will continue to expand the commitment to the ongoing nature of supported employment services. This venture is in addition to services provided under the outcome-based Supported Employment Reimbursement program. Additionally, KDMHMRS spends roughly \$325,000 to serve individuals with mental illness in supported employment. Largely these dollars follow Office of Vocational Rehabilitation dollars for eligible customers.
3. United Way monies have been utilized for supported employment services by several programs in Kentucky. Ongoing follow-up services are provided through United Way monies in at least fifteen programs and efforts will continue to encourage utilization of these funds in other areas of Kentucky. These monies are generally not "disability specific" and could assist in expansion of services to groups other than those served by the 14 community mental health centers. Most programs receive only small amounts of United Way dollars, representing a very small portion of the overall budget.



4. Vendorship in the Office of Vocational Rehabilitation's Supported Employment Outcome-based Reimbursement program requires written and verbal verification of the provider's funding for ongoing support services once Title VI, Part C monies are no longer appropriate. Monitoring and technical assistance is provided by the Supported Employment Branch to assure that services are provided and funded appropriately.
5. The Office of Vocational Rehabilitation Supported Employment Branch collaborated with the Kentucky Developmental Disabilities Council in their efforts to effectively convert two day habilitation programs to supported employment during 1995-1998. The two projects are in Harrison County and Bullitt County. Office outcome-based supported employment services funds are now used and these programs have exhausted applicable Developmental Disabilities Council funds for the pilot project. Local MH/MR Boards are also collaborating with the Office in these counties.
6. The Supported Employment Branch staff will work closely with Kentucky APSE (Association for Persons in Supported Employment) and its committees and the Kentucky Disabilities Coalition in a unified effort to secure additional state dollars.
7. Supported Employment Branch staff are working cooperatively with staff who administer Kentucky's Home and Community Based Medicaid waiver to determine a workable system for coordinating supported employment services for eligible participants. With the "de-institutionalization criteria" removed, this funding source should open up doors of opportunity to many more Kentuckians with most significant disabilities. Expansion of the supports for Community Living Waiver has resulted in increased referrals to DVR for supported employment from these providers.
8. The Supported Employment Branch will continue to work cooperatively with The Arc of Kentucky to educate families about supported employment and enlist their assistance in impacting additional funds for supported employment.
9. DVR will continue to advocate for expanded/improved Supported Living services, which are utilized by many supported employment participants to meet their needs for as independent a lifestyle as possible.
10. The Office of Vocational Rehabilitation will continue to work collaboratively with the Department of Mental Health/Mental Retardation, the Kentucky Developmental Disabilities Council, the Interdisciplinary Human Development Institute (University of Kentucky), and The Arc of Kentucky to provide quality training on fundamentals of supported employment. In the absence of a certification process for supported employment service providers, this training is valuable in assuring that personnel who provide supported employment services have the necessary skills, values, and tools to deliver effective services.
11. The Office of Special Instructional Services in the Kentucky Department of Education and the Office of Vocational Rehabilitation are collaborating in the provision of transition services (school-to-work) for individuals with disabilities. Many of these school-to-work transition programs coordinate with existing supported employment programs. A federal grant was also received in 1993 to expand school-to-work



programs in Kentucky, and these efforts continue. The Supported Employment Branch staff participates frequently in IEP and Transition Planning meetings for individuals, and in broader scope with Special Education planning units throughout the Commonwealth to develop supported employment services for students exiting schools. Again, additional dollars will be needed for extended services in order to adequately serve the students.

12. In one region of Kentucky, Kentucky Tech System dollars are utilized for an individualized placement model of supported employment. A combination of funds from KY Tech and the Office, coupled with individually designed/funded extended services and supports makes this program successful for individuals with the most significant disabilities who can benefit from vocational training and ongoing support. The Office will continue attempts to expand use of this resource to other areas of Kentucky.
13. The Office will continue efforts to utilize Social Security Work Incentives, including PASS (Plan for Achieving Self-Support) and IRWE (Impairment Related Work Expenses), for ongoing support services when appropriate. During FY 95, there was a significant increase in the number of PASSes and IRWES used for supported employment services. These numbers leveled off with new requirements and scrutiny of PASSes prior to approval. At least three training opportunities per year are offered by the Supported Employment Branch to provide technical assistance for supported employment personnel to learn about these two work incentive programs.
14. The Office has developed a Supported Employment Data Management Information System which collects data from Kentucky's supported employment providers. The information is being shared with other state agencies on a regular basis so that wages, job retention, quality and length of extended services, etc., can be evaluated by all collaborating agencies. This data is also shared with legislative committees to demonstrate the need for dollars for extended services.
15. The Office's Supported Employment Branch is assisting "non Mental Heath/Mental Retardation Center affiliates" who provide supported employment services but have not had access to extended service funding through the 14 regional MH/MR Boards in obtaining access to these dollars for individuals they serve in supported employment.
16. The Kentucky Developmental Disabilities Council is funding a demonstration project for individuals with autism who need supported employment. Office staff are involved in planning and implementation of this project which is administered by the Kentucky Autism Training Center.
17. In summary, the following potential funding sources for supported employment have been identified:
  - Local and county governments
  - Kentucky Developmental Disabilities Council
  - Office of Vocational Rehabilitation



- United Way
- Social Security Work Incentives-Plan for Achieving Self-Support (PASS) and Impairment Related Work Expenses (IRWE)
- Natural Supports
- Division of Mental Health (Cabinet for Health Services)
- Division of Mental Retardation (Cabinet for Health Services)
- Supported Living Funds
- Private pay agreements
- Support for Community Living Waiver (Medicaid Waiver)

Information regarding these potential funding sources is updated and shared by the Supported Employment Branch on a statewide basis to encourage increased funding for all phases of supported employment.



Attachment 4.9(c)(4): Evidence of Collaboration Regarding Supported Employment Services and Extended Services

1. All of Kentucky's fourteen Regional Mental Health/Mental Retardation Boards have dollars budgeted for supported employment extended services, although in some regions funding is very limited. The fourteen Boards currently allocate approximately 6 million dollars to work/adult habilitation programs (generally segregated programs) and only 2.1 million dollars to supported employment. Efforts to make available additional monies for supported employment services through these Boards will continue. Cooperative budget planning is done between the Office of Vocational Rehabilitation and the Kentucky Department of Mental Health/Mental Retardation so that monies for all phases of supported employment (initial job development, training, and extended services) can be sought by each agency.
2. Using block-grant funds from the Kentucky Department of Mental Health/Mental Retardation, the Office will assist a minimum of twenty persons with long-term mental illness in the provision of extended supported employment services on a contractual basis. Supported employment service providers who are approved by the Department of Mental Health and have vendorship agreements with the Office of Vocational Rehabilitation will deliver these services. In this way, both agencies will continue to expand the commitment to the ongoing nature of supported employment services. This venture is in addition to services provided under the outcome-based Supported Employment Reimbursement program. Additionally, DMH spends roughly \$325,000 to serve individuals with mental illness in supported employment. Largely these dollars follow DVR dollars for eligible consumers.
3. United Way monies have been utilized for supported employment services by several programs in Kentucky. Ongoing follow-up services are provided through United Way monies in at least fifteen programs and efforts will continue to encourage utilization of these funds in other areas of Kentucky. These monies are generally not "disability specific" and could assist in expansion of services to groups other than those served by the 14 community mental health centers. Most programs receive only small amounts of United way dollars, representing a very small portion of the overall budget.
4. Vendorship in the Office of Vocational Rehabilitation Supported Employment Outcome-based Reimbursement program requires written and verbal verification of the provider's funding for ongoing support services once the Title VI, Part C monies are no longer appropriate. Monitoring and technical assistance is provided by the Supported Employment Branch to assure that services are provided and funded appropriately.
5. The Office of Vocational Rehabilitation Supported Employment Branch collaborated with the Kentucky Developmental Disabilities Council in their efforts to effectively convert two day habilitation programs to supported employment during 1995-1998. The two projects are in Harrison County and Bullitt County. DVR outcome-based supported employment services funds are now used and these programs have exhausted applicable DD funds for the pilot project. Local MH/MR Boards are also collaborating with DVR in these counties.



6. The Supported Employment Branch staff will work closely with Kentucky APSE (Association for Persons in Supported Employment) and its committees and the Kentucky Disabilities Coalition in a unified effort to secure additional state dollars.
7. Supported Employment Branch staff are working cooperatively with staff who administer Kentucky's Home and Community Based Medicaid waiver to determine a workable system for coordinating supported employment services for eligible participants. With the "de-institutionalization criteria" removed, this funding source should open up doors of opportunity to many more Kentuckians with most severe disabilities. Expansion of the supports for Community Living Waiver has resulted in increased referrals to DVR for supported employment from these providers.
8. The Supported Employment Branch will continue to work cooperatively with the Arc of Kentucky to educate families about supported employment and enlist their assistance in impacting additional funds for supported employment.
9. DVR will continue to advocate for expanded/improved Supported Living services, which are utilized by many supported employment participants to meet their needs for as independent a lifestyle as possible.
10. The Office of Vocational Rehabilitation will continue to work collaboratively with the Department of Mental Health/Mental Retardation, the Kentucky Developmental Disabilities Council, IHDI (University of Kentucky), and the Arc of Kentucky to provide quality training on fundamentals of supported employment. In the absence of a certification process for supported employment service providers, this training is valuable in assuring that personnel who provide supported employment services have the necessary skills, values, and tools to deliver effective services.
11. The Office of Special Instructional Services in the Kentucky Department of Education and the Office of Vocational Rehabilitation are collaborating in the provision of transition services (school-to-work) for individuals with disabilities. Many of these school-to-work transition programs coordinate with existing supported employment programs. A federal grant was also received in 1993 to expand school-to-work programs in Kentucky, and these efforts continue. The Supported Employment Branch staff participates frequently in IEP and Transition Planning meeting for individuals, and in broader scope with Special Education planning units throughout the commonwealth to develop supported employment services for students exiting schools. Again, additional dollars will be needed for extended services in order to adequately serve the students.
12. In one region of Kentucky, Kentucky Tech System dollars are utilized for an individualized placement model of supported employment. A combination of funds from KY Tech and DVR, coupled with individually designed/funded extended services and supports makes this program successful for individuals with the most severe disabilities who can benefit from vocational training, and ongoing support. The Office will continue attempts to expand use of this resource to other areas of Kentucky.



13. The Office will continue efforts to utilize Social Security Work Incentives, including PASS (Plan for Achieving Self-Support) and IRWE (Impairment Related Work Expenses), for ongoing support services when appropriate. During FY 95, there was a significant increase in the number of PASSes and IWRES used for supported employment services. These numbers leveled off with new requirements and scrutiny of PASSes prior to approval. At least three training opportunities per year are offered by the Supported Employment Branch to provide technical assistance for supported employment personnel to learn about these two work incentive programs.
14. The Office has developed a supported employment Data Management Information System which collects data from Kentucky's supported employment providers. The information is being shared with other state agencies on a regular basis so that wages, job retention, quality and length of extended services, etc., can be evaluated by all collaborating agencies. This data is also shared with legislative committees to demonstrate the need for dollars for extended services.
15. The DVR Supported Employment Branch is assisting "non Mental Health/Mental Retardation Center affiliates" who provide supported employment services but have not had access to extended service funding through the 14 regional MH/MR Boards in obtaining access to these dollars for individuals they serve in supported employment.
16. The Kentucky Developmental Disability Council is funding a demonstration project for individuals with autism who need supported employment. Office staff are involved in planning and implementation of this project which is administered by the Kentucky Autism Training Center.
17. In summary, the following potential funding sources for supported employment have been identified:
  - Local and county government
  - Kentucky Developmental Disabilities Council
  - Office of Vocational Rehabilitation
  - United Way
  - Social Security Work Incentives – Plan for Achieving Self-Support (PASS) and Impairment Related Work Expenses (IRWE)
  - Natural Supports
  - Division of Mental Health (Cabinet for Health Services)
  - Division of Mental Retardation (Cabinet for Health Services)
  - Supported Living Funds
  - Private pay agreements
  - Support for Community Living Waiver (Medicaid Waiver)

Information regarding these potential funding sources is updated and shared by the Supported Employment Branch on a statewide basis to encourage increased funding for all phases of supported employment.



#### Attachment 4.11(b): Comprehensive System of Personnel Development

##### **Data System**

The Kentucky Office of Vocational Rehabilitation maintains a system to collect and analyze on an annual basis data on qualified personnel needs and personnel development. The office maintains databases of personnel information including: types of position, ratio of personnel to applicants and eligible individuals served, current staffing requirements and projected requirements for staffing needs for the next five (5) years. The system also includes a record of employee career development plans that reflect completed training activities including college credits, Certified Rehabilitation Counselor credits, Professional Rehabilitation Assistant credits and continuing education contact hours.

The following chart indicates the type of positions with the number currently employed, how many are vacant in each position, and the projected five year need.

<u>Job Title</u>	<b>Currently Employed</b>	<b>Current Vacancies</b>	<b>Projected 5 year need</b>
Unclassified	5	1	0
Rehabilitation Administrator	40	4	4
Rehabilitation Counselor	140	8	35
Rehabilitation Assistant	120	14	17
Job Placement Professional	24	2	10
Sign Language Interpreter	5	1	2
Rehabilitation Technologist	4	1	3
Rehabilitation Engineer	2	0	2

The office anticipates that a minimum of 175 counseling positions will be necessary to achieve the goals of increased services and successful employment outcomes. The office currently employs 140 counselors with a ratio of 245 active cases per counselor.

Information from institutions of higher education that train rehabilitation personnel is reviewed at least annually. Currently the University of Kentucky is the only Kentucky institution offering a Master's of Rehabilitation Counseling (MRC) program. The University of Kentucky reports to the office annually on the number of students enrolled and the number graduating from the program with certification or licensure and/or with credentials to qualify for certification or licensure. Participants in the program are eligible to test for rehabilitation counselor certification after completing 75% of their course work. The University of Kentucky is also using technological advancements to increase the number of qualified personnel in the field by offering an online MRC program dedicated to the specific training needs of state rehabilitation employees. This is an accelerated program that allows participants to complete the degree in sixteen (16) months. This new resource has created a tremendous increase in the number of employees working toward their MRC with eighteen (18) currently registered for classes. The increase in the number of employees working toward their master's degree and the increase in tuition significantly impacts the in-service training budget.



University	Program Type	Semester	Total Graduates	DVR Counselors
University of Kentucky	MRC	Fall 2002	6	2
University of Kentucky	MRC	Spring 2003	2	1
University of Kentucky	MRC	Summer 2003	2	2
University of Kentucky	MRC	Fall 2003	9	3

Other master level programs throughout the state as well as online programs are being utilized for the training of qualified rehabilitation personnel when the program content meets the criteria for eligibility to sit for the Certified Rehabilitation Counselor examination. Since employees have been involved in these programs for a relatively short period of time there are no graduation statistics to report.

### **Recruitment and Retention**

The office actively coordinates and facilitates efforts with institutions of higher education and paraprofessional associations to recruit, prepare and retain qualified personnel, including personnel from minority backgrounds and personnel who are individuals with disabilities. Recruitment efforts are also conducted via web based programs such as the one maintained by the state personnel office.

The office aggressively recruits individuals who are Certified Rehabilitation Counselors, but recognizes that hiring individuals with this certification is not always possible due to the shortage of available qualified staff in this field and salary constraints. Individuals hired without certification are hired with the expectation that certification requirements will be met within five years of the date of employment. As an additional incentive for counselors to achieve the qualified standard set forth by the office, those pursuing a master's degree that allows them to sit for the CRC may receive additional assistance above the tuition allowed in the states professional development policy.

The office believes that a well-trained professional staff contributes to greater retention and job satisfaction among personnel. This is essential in providing quality services to individuals with disabilities and achieving positive employment outcomes for office consumers. Training initiatives for new employees as well as seasoned employees is outlined fully in the staff development section.

The office coordinates with historically black colleges and professional associations to recruit, prepare and retain qualified personnel, including staff from minority backgrounds and staff who are individuals with disabilities. The office will achieve a more diverse workforce by hiring individuals from protected classes. Minority recruiting will enable the office to employ highly competent people from all segments of society who can effectively support the office mission of assisting individuals with disabilities into employment. Attitudinal change, structural change and programmatic change are ongoing to support achievement of a more diverse workforce.

Efforts to recruit and hire certified staff with diverse cultural backgrounds and individuals with disabilities are an integral part of the office's personnel process. The office has incorporated the Education Cabinet's protected class recruitment plan into the office personnel system. The Cabinet plan requires the dissemination of career opportunities to organizations and community



agencies representing members of protected classes; recruitment of job applicants from all secondary and post-secondary schools throughout the Commonwealth; and maintenance of a pool of qualified applicants from protected classes who seek employment or advancement in employment with the office. In addition to the Cabinet requirements, the office actively recruits individuals of minority status and individuals with disabilities through job fairs conducted at Kentucky State University (KSU), the University of Louisville, the University of Kentucky and other locations throughout the state. The office and KSU jointly developed an endorsement program to make rehabilitation courses available on an undergraduate level at a historically black university. Credit hours from KSU classes count toward the MRC at the University of Kentucky. In addition, the office offers stipends to minority students who meet application criteria for internships within the office

### **Personnel Standards**

The office considers qualified personnel to be individuals who meet the standards that are consistent with the national or state approved or recognized certification, licensing, registration or other comparable requirements that apply to the area in which they are providing vocational rehabilitation services. Specifically, the office defines qualified rehabilitation counselors and field administrators as those individuals who hold certification from the Commission on Rehabilitation Counselor Certification.

The office makes every effort to hire and retain rehabilitation counselors who hold a CRC certification or individuals that have an MRC from a CORE accredited program and are eligible to hold CRC certification. If the office is unable to recruit individuals who meet this qualification, individuals are hired with the expectation that the MRC degree/CRC certification will be obtained within five years. The office provides required career development to assist in achieving these goals. The office expects all employees to achieve the required certification, licensure, or registration within their particular discipline. As noted earlier, additional professional development assistance is provided to assist individuals in achieving the qualified rehabilitation counselor standards set forth by the office.

The office currently employs 140 rehabilitation counselors and 14 field administrators. The following data reflects the current credentials of these individuals as well as the progress of their professional development.

	<b>MRC</b>		<b>Related Masters</b>		<b>Bachelors</b>	
	<b>CRC</b>	<b>Non CRC</b>	<b>CRC</b>	<b>Non CRC</b>	<b>CRC</b>	<b>Non CRC</b>
<b>Counselors 140</b>	<b>26</b>	<b>14</b>	<b>15</b>	<b>27</b>	<b>6</b>	<b>52</b>
<b>Field Administrators 14</b>	<b>2</b>	<b>0</b>	<b>8</b>	<b>3</b>	<b>0</b>	<b>1</b>

Of the counselors employed with the office, 33% meet the state CSPD requirement of certified rehabilitation counselor. There are currently 23 counselors and one field administrator who are eligible to sit for the CRC exam.

As with many public vocational rehabilitation programs, Kentucky Office of Vocational Rehabilitation is finding it increasingly difficult to recruit qualified staff due to the inability to



compete with salaries offered through the private sector as well as public programs from bordering states. The shortage of individuals entering the field is also a contributing factor to this situation. Kentucky is continually seeking opportunities to offer incentives to offset salary discrepancies. Such incentives include the educational assistance program and flexible work schedules. Efforts for reclassification opportunities and salary increases for office personnel continue to be pursued.

An emphasis on training to CRC standards is concentrated on those employees who currently do not meet the qualifications to sit for the certification exam, giving special attention to those who have not yet initiated the master's level education required. The office's targeted groups and timelines are prioritized as follows:

- 0-5 years of service with bachelor's or unrelated master's- must achieve CRC within 5 years of employment date
- 6-10 years of service with bachelor's or unrelated master's-2004
- 11-15 years of service with bachelor's or unrelated master's-2006
- 16-20 years of service with bachelor's or unrelated master's-2008
- More than 20 years of service with bachelor's or unrelated master's-2010

The office is committed to achieving 100% qualified rehabilitation counseling staff within 10 years based upon efforts with the identified target groups and specified timelines. New counselors are expected to complete an MRC program and obtain their CRC within five years from the date of employment. Staff is required to complete career development plans that include specific goals and timeframes for meeting certification and/or other requirements for their particular discipline.

The office supports staff career development by funding training necessary to achieve the established goals. In fiscal year 2003, the office paid \$49,968 in tuition for 39 staff including rehabilitation counselors, vocational assessment personnel, rehabilitation technologists, vocational rehabilitation assistants and instructors and other staff of the Carl D. Perkins Comprehensive Rehabilitation Center.

The office reviews its recruitment and retraining efforts each year. In fiscal year 2003, the office filled twenty-seven positions as follows:

Rehabilitation Counselors	13
Employment Specialists	3
Nurses, OT, PT	1
Interpreters	1
Rehabilitation Assistants	6
Program Administrators	0
Instructors	1
Rehabilitation Technologist	1
Financial	1



The number of employees hired during 2003 is significantly lower than that of 2002. This decrease in number of staff hired during this fiscal year is a direct result of the hiring freeze and personnel cap reduction placed upon the office due to state budget constraints. The continuance of these budgetary constraints will have a tremendous impact on the hiring capability of the office.

The interpreters and medical staff had all obtained appropriate credentials, certification, and/or licensure prior to hire date. Of the thirteen counselors, one is a CRC and three have obtained a Master's of Rehabilitation Counseling (MRC) and are eligible to sit for Certified Rehabilitation Counselor (CRC) exam. One had a related master's degree and is eligible to pursue certification. Eight do not have their master's with four of them working towards this goal with office funding and four slated to begin once they have completed their initial employment training.

All rehabilitation technologists employed by the office achieved RESNA certification. Ninety of the office's rehabilitation assistants either have achieved or are working toward Professional Rehabilitation Assistants certification. The CSPD plan has been successful in providing opportunities for staff that do not meet the certification requirements to achieve the necessary credentials within the required time frame.

### **Staff Development**

The office believes that a well-trained professional staff is essential in providing quality services to individuals with disabilities and achieving positive employment outcomes for office consumers. The office's Human Resource Development Branch is committed to continuous improvement in upgrading staff skills and providing opportunities for staff career development. The office's personnel system emphasizes education and training. Upon employment, staff are required to implement career development plans that will enhance qualifications and provide an opportunity to advance to higher level, higher paying positions.

The office has conducted training needs assessments and has developed training plans to address identified needs. Training plans are based on; office goals, directions and continuous improvement initiatives; training needs assessment; staff input; and consumer input. The office conducted forty forums across the state during the summer of 2001 to solicit input for the office's Strategic Plan from consumers, the Statewide Council for Vocational Rehabilitation, the Statewide Independent Living Council, the Client Assistance Program, employers, advocacy groups, community rehabilitation providers, One-stop Centers, and staff. This input identified training needs throughout the state. Federal priorities are also addressed in training plans.

Georgia State University conducted a needs assessment on human resource development issues in February 1999 among a cross section of office staff utilizing focus groups and individual interviews. Learning needs, staff perceptions of office direction and employee job satisfaction were elements of the assessment. Results have been utilized to further identify training needs and support development of the most effective office training plan. Federal priorities, office goals and directions, recommendations from case reviews, continuous improvement initiatives and consumer input are also major contributors to the programs integrated into the training plan. Although the current training programs have been based on the 1999 training needs analysis, the



office has scheduled an updated analysis for 2004 with assistance provided by the Regional Rehabilitation Continuing Education Program (RRCEP) from Georgia State University.

New employees are provided with an introduction to the office and are given an overview on the history of DVR, required training programs, and tuition assistance for professional development and Comprehensive System of Personnel Development standards. The training for new employees is continued through Skills Enhancement Training (SET). Employees receive an overview of the office mission, philosophy, values, federal and state laws, appropriations, budget and planning, eligibility, assessment, vocational goal development, plan development, confidentiality and ethics, services, supported employment, rehabilitation technology, diversity, disability awareness, Americans with Disabilities Act (ADA), Social Security Administration (SSA), Ticket to Work, Workforce Investment Act (WIA), comparable benefits, standards and indicators and marketing.

Training programs for all staff emphasize informed consumer choice and maximizing consumer direction of individualized rehabilitation plans. Particular importance is placed upon the 1998 Amendments to support staff implementation of the Law as well as the understanding of the intent and spirit of the Act. Opportunities for professional growth and development are provided to all staff in the area of assistive technology, Workforce Investment Act, ADA, Individuals with Disabilities Education Act, social security, Ticket to Work, vocational counseling, assessment, job placement, marketing, ethics, supported employment as well as cultural diversity. In addition to these, training on specific disabilities was also provided on traumatic brain injury, multiple sclerosis, autism and mental health. Information regarding to current research is disseminated to all staff via formal training opportunities as well as through other technological resources such as the Internet, Intranet and email.

In September 2003, the office contracted with a national speaker to present a train-the-trainer program for Windmills to a select group of employees. The employee group was comprised of representatives from each district and several job classifications such as job placement, counselors, field administrators and assistants. The purpose of the training was to equip staff to educate other individuals on disability awareness with a specific emphasis on training employers. The participants in the training will use the information to train the staff in their district as well as marketing this information to employers for presentation in local business environments. Follow-up training is scheduled for 2004 in order to provide the new trainers with opportunities to practice the skills that they acquired at the initial training program.

The rehabilitation counselor mentor program was implemented in June 2002 with pilot programs in six districts. There are currently eighteen (18) counselors that have been through the training program that serve as mentors in seven out of fourteen districts. Annual training opportunities are provided to the mentors to continually develop their skills and the program in order to assure that the needs of the new employees are being addressed. This is also an opportunity to keep them aware of current policies and laws that impact the office and their work with the employees. The Professional Rehabilitation Assistant Program (PRA) has used the philosophy developed by the counselor mentor program to develop a program designed to meet the needs of new assistants. There are currently five (5) assistants involved in this program in five districts throughout the state. Future plans include the development of mentoring programs for all job classes in order to meet the individual needs of new employees according to their specific job functions.



Due to budget constraints within the state, a statewide training conference was not an available resource for 2003. In lieu of this, trainers traveled to various geographical locations within the state to present a comprehensive training on Assessment. An extensive amount of resources and time was spent in the development and delivery of this three (3) day training program. This training was identified as the most immediate concentrated need for skill enhancement based on information received from the Team Review of Advanced Counselor Knowledge and Skills (TRACKS), field administrators and the strategic plan forums from 2001.

College and university level classes are an integral element in maximizing educational opportunities and enhancing staff career development. The office strongly encourages continuing education and provides incentives for staff to pursue degrees at both the bachelor and master level.

The office also supports staff development by providing access to research results and other critical information by utilizing a variety of methods including dissemination of articles and publications, workshops, presentations and Internet access.

The office is anticipating the retirement of several leaders and is cognizant of the need for leadership succession. Therefore, the Human Resource Development Branch in conjunction with Program Services continues to work on the development of a leadership succession plan. The plan will include; identification of the number of potential leaders needed; a system to identify potential leaders, development of a shadowing and mentoring program and the provision of required training.

Leadership development opportunities are provided to managers through the training program for leadership development offered by the RRCEP at Georgia State University (GSU). There were six (6) administrators from the office that participated in and completed the new supervisor training program through GSU in 2002-2003 with an additional five (5) administrators enrolled for the 2003-2004 term. Employees also receive leadership development skills through the Governmental Services Center (GSC) programs for Certified Management Fundamentals and Certified Public Manager.

The office has a compressed video site at the Carl D. Perkins Comprehensive Rehabilitation Center in order to support staff development and training through distance learning. The office is also exploring options for achieving needed certification through weekend classes, summer institutes, web-based learning and other training options that will enable staff to achieve career development goals.

Continuous effort is being made to provide quality and timely training opportunities to staff for professional development. The office is now pursuing the implementation of web-based education programs to assist in this area. The introduction of new technology has allowed many staff members to participate in higher education programs in pursuit of degrees leading to certification in their field of expertise as well as in other training to keep them abreast of new information in vocational rehabilitation. This trend is projected to increase and the office is committed to the development and utilization of this new technology to provide increased professional development and support to all staff.



### **Communication with Diverse Populations**

The State Coordinator of Deaf Services works closely with the HRD Branch to ensure that all employees have adequate American Sign Language skills to communicate with consumers who are deaf. Every effort is made to recruit individuals who are proficient in sign language. If a person with signing skills is not available, steps are taken to ensure that the appropriate training is provided. Rehabilitation Counselors for the Deaf (RCD's) are required to attend the Orientation to Deafness program at the University of Tennessee or similar programs to improve/acquire signing skills and to learn about deaf culture and other individuals with deafness (deafblind, low functioning deaf, etc.). Ongoing training opportunities insure that skill levels are maintained or increased.

The office continues to explore the hiring of bilingual staff to address consumer needs with an increasing number of individuals from the Hispanic culture in both urban and rural areas of the state. The office applied for and received a Vocational Rehabilitation Service Projects Program for Migrant and Seasonal Farm Workers grant to improve services to this population and provide basic communication skills in Spanish to staff in targeted areas. Seven office employees completed an intensive Spanish class in Fall 2001. Four rehabilitation counselors and one job placement professional completed a five-week Spanish immersion program in Morelia, Mexico and all five continue training with weekly language classes. Staff also receives cultural diversity training each month.

The office utilizes alternate formats such as large print and Braille to insure that consumers have access to needed information.

### **Coordination of the CSPD and In-service Training**

The HRD Program Administrator is charged with the management of CSPD activities as well as the management of the In-service Training Program. The In-service Training Grant funds are used for the planning and execution of training opportunities and higher education programs that meet accreditation and professional standards identified for each job classification.

The Governor has appointed a representative from the Office of Exceptional Children to the Statewide Council for Vocational Rehabilitation (SCVR). As part of the partnership under IDEA, coordination also occurs through the Interagency Coordinating Council that meets on a quarterly basis to address continued fulfillment of the Kentucky Interagency Agreement on Transition Services for youth with disabilities. The Department of Education and the Office of Vocational Rehabilitation are two of twelve state agencies that are parties to the agreement. One of the provisions of this agreement is cooperative training and staff development concerning transition issues.

The office also has cooperative professional development programs for selected high school education teachers, local directors of special education, job coaches, rehabilitation counselors, and community based personnel. Training focuses on development and implementation of community-based work transition services for students with disabilities.

### **State Rehabilitation Council**

The Statewide Council for Vocational Rehabilitation (SCVR) reviewed the Comprehensive System of Personnel Development (CSPD), State Plan attachment 4.11(b), in March 2004.



Recommendations of SCVR were incorporated. The SCVR supports the office's plan to achieve qualified staff.



Attachment 4.12(a): Results of Comprehensive Statewide Assessment of the Rehabilitation Needs of Individuals with Disabilities and Need to Establish, Develop or Improve Community Rehabilitation Programs

Results of Comprehensive Statewide Assessment of the Rehabilitation Needs of Individuals with Disabilities

The U.S. Census Bureau reports the population of the United States in April 2000 at 281.4 billion. According to the 1997 Survey of Income and Program Participation, there were 267.7 million individuals of all ages with disabilities. In January 2001, the Department of Labor indicated there was 11.3 million working-age adults (18 to 64) with disabilities and only 37 percent were working in 1994-1995.

The U.S. Census Bureau survey conducted in 2000 states that Kentucky's total population is 4,041,769. Twenty-One percent (21%) or 874,156 non-institutionalized Kentuckians, ages 5 years old and up were reported to have a disability. Of that population, 41,986 were 5-15 years old; 597,121 were between the ages of 16 and 64; and 235,049 were ages 65 and up. This demonstrates that the largest population of Kentuckians with disabilities (68%) is between the ages of 16 and 64. Of that population, 316,844 (53%) were unemployed and 280,277 (46%) were employed.

Poverty statistics included every Kentuckian with a disability over age 5 years old excluding persons in institutions, military group quarters, college dormitories, and unrelated individuals under age 15 years old (total population, 870,005). In 1999, 205,529 (23%) individuals with a disability were below the poverty level and 664,476 (76%) were at or above the poverty level. By comparison, of the number of Kentuckians without a disability (total population 2,783,106), 354,705 (12%) were below the poverty level and 2,428,401 (87%) were at or above the poverty level.

According to a 1998 report from the U.S. National Institute on Disability and Rehabilitation Research, with the exception of Maine and Oregon, the states with the highest percentage of individuals, ages 16-24 years, with a "work disability" are in the southern United States. Kentucky was ranked #2 at 11.4% (West Virginia was ranked #1 at 12.6% and Arkansas was ranked #3 at 11.2%). With the exception of New York and New Mexico, the ten states with the highest percentage of people with a work disability not working are in the South: West Virginia, Mississippi, Louisiana, *Kentucky*, Alabama, Tennessee, Arkansas, and South Carolina. For both men and women, the median monthly incomes are lower for people with a disability, and even lower for those with a severe disability. Individuals with a high school degree had a work disability rate of 12.3% as compared to a rate of 4.8% among those with a college education. Moreover, those individuals with a significant work disability with less than 8 years of schooling had a disability rate of 22.9%; people with a high school degree had a severe work disability rate of 8.2%; while those with a college degree had a severe disability rate of only 2.2%.

In 1990, the U.S. Census Bureau estimated that 56.4% of the individuals with a "work disability" (163,457 people) resided in rural areas. The rehabilitation efforts for these individuals are



complicated by such factors as the lack of transportation, high unemployment rates and the lack of employment opportunities, among others.

The 2000 U.S. Census Bureau reports an increase in the number of uninsured persons in 2001, where in previous years it was dropping. It was estimated that 14.6 percent of the population (41.2 million people) were without health insurance coverage the entire year in 2001. That was up from 14.2 percent in 2000, which was an increase of 1.4 million people. Between 1999 and 2001, Kentucky's average of uninsured was 13 percent or approximately 525,420 people.

According to the Social Security Administration, benefits were paid to 739,010 Kentuckians in December 2000. Of this number, 382,810 were retired workers; 98,620 widows and widowers; 125,650 disabled workers; 54,490 wives and husbands; and 77,440 children. Beneficiaries of Social Security represented 18.3% of the total population of the state and 92.8% of the state's population aged 65 and older. Of those who received federally administered SSI payments (total of 174,346 persons), 18,753 were aged, and 155,593 were disabled and/or blind.

The Office conducted a study in FY 2001 of its services to individuals from minority backgrounds. However, since that time, RSA has changed the recording requirements to allow an individual to report more than one race. Keep in mind that any fluctuations noted by the following statistics may be caused by this new reporting method. In State FY 2002, African-Americans made up 12.22% of the total of all individuals served by the Office. This is larger than the estimated 7.3% of African-Americans in the state's general population. It is also an increase from the 11.28% served by the Office in FY 2001. The federal government estimates the disability prevalence among African-Americans to be one-and-a-half times that found among Caucasians. The percentage of African-Americans served by the Office differed greatly in the 120 counties. There were high percentages recorded in the urban areas of Louisville and Lexington and low percentages, if any at all, in Kentucky's very rural counties. Some counties served significantly higher numbers of African-Americans than can be found in the general population and some served lower numbers. Keeping in mind that an individual can now record more than one race, the rehabilitation rate in State FY 2002 for Caucasians was 65.98%. This was slightly higher than for African-Americans, which was 64.84%. Native Americans had the highest rehabilitation rate at 84.62%. Both Hispanic (73.08%) and Asian (68.75%) rehabilitation rates were higher than those of Caucasians and African Americans.

The Office conducted a study of cases of individuals with mental illness or substance abuse in FY 2001. Of the 32,205 active cases, 12,371 or 38.4% of individuals had a primary disability of mental illness or substance abuse. For FY 2002, it was 12,660 of 32,946 active cases. The percentage was essentially the same at 38.42%.

An estimated 200-300 students leave Kentucky's schools each year in need of supported employment services. Unfortunately, many of these students will be placed on waiting lists, which exist with most of the sixty-two supported employment service providers in the state. The lack of dollars for long-term supports is still a major problem in Kentucky, making access to supported employment quite limited especially in the rural areas. The Office continues to work with the legislature, KY APSE (Association for Persons in Supported Employment), and other advocacy groups in efforts to increase funding. A small bit of progress was made during 2002



when two hundred thousand dollars (\$200,000) for each year of the biennium was appropriated to the Office to be used for supported employment unmet need, particularly long-term support and un-served/underserved counties. The Office will continue to support further increases in funding to help serve the large numbers of individuals with the most significant disabilities who cannot access supported employment services.

The Kentucky Office of Aging Services administers the state-funded personal care attendant program that presently serves about 300 - 309 individuals annually with functional loss of two or more limbs. There are currently 952 individuals on the waiting list. The waiting period to receive services is estimated at seven to ten years. The program is implemented in ten-area development districts located throughout the state.

The Office has taken steps to improve and expand Vocational Rehabilitation provisions of personal assistant services for consumers to ensure maximum consumer choice and control.

In FY 2002, 9,470 individuals served by the Office were referred from schools. The Office funds programs in 96 school systems to provide community-based services (chiefly job coaching) to individuals with the most significant disabilities.

According to the Kentucky Department of Education, there were 100,294 students with disabilities between the ages of 3 and 21 in Kentucky school systems. Of those, 17,887 reported a speech/language disability; 18,887 with a specific learning disability; 14,808 with a mild mental disability; 6,192 with a developmental delay; 5,757 with an emotional/behavioral disorder; 3,080 with a functional mental disability; 591 with hearing impairments; 405 with visual impairments; and 9,239 with other health impairments. The remainder were reported as having various disabilities including orthopedic impairments, traumatic brain injury and multiple disabilities.

The Department for Mental Health/Mental Retardation Services reported that according to a mental health block grant document, 29,998 adults with severe mental illness were served in the public mental health system during State Fiscal Year 2002 (July 1, 2001 - June 30, 2002). The literature suggests that 60% of adults with severe mental illness may be eligible for supported employment services or approximately 18,000 individuals in the public mental health system in Kentucky. This is a much higher figure than a provider's estimation of those individuals who "need" supported employment. The current employment rate among this group is about 11%. The number receiving supported employment services during this time was listed as 2,046 individuals, however, this number is considered inflated due to coding problems. It is reportedly closer to 400 individuals based on feedback from the coordinators of supported employment programs operated by public mental health centers.

#### Need to Establish, Develop or Improve Community Rehabilitation Programs

Community Rehabilitation Programs (CRPs) provide directly or facilitate the provision of vocational rehabilitation services to enable individuals with disabilities to maximize opportunities for employment, including career advancement.



The Office has implemented policies and procedures that support achievement of successful competitive employment outcomes for Office consumers. The Office has instituted a vendor application process for the CRPs to ensure delivery of professional and quality services to individuals with disabilities. A fee for service program has been implemented that provides payment for outcomes. This payment mechanism supports a more consistent and coordinated effort focusing on successful employment outcomes for individuals with disabilities.

The Office would like to expand the availability of employment and increased opportunity for consumer choice among providers. Such an effort may include new CRPs as well as established programs.

### Assessment of Needs

The capacity of Community Rehabilitation Programs for provision of the varied range of services to persons with significant and most significant disabilities in Kentucky appears to be adequate for most regions of the state. However, there may be a need for development of new programs and new service options in unserved and underserved counties throughout the state. In the geographical area of the state east of Lexington, there are limited numbers of CRPs and expressed interest in expanding the availability of employment services for Office consumers.

In FY 2002, 492 successful competitive employment outcomes (excluding supported employment) and 431 supported employment outcomes involving the services of CRPs were reported statewide. CRP "involvement" means any fiscal payment to the CRP by the Office. The data herein does not distinguish between one-day involvement or three-month involvement. Of these, 64 competitive employment outcomes other than supported employment and 32 supported employment outcomes were reported in the eastern region of Kentucky.

Due to differences in the availability of CRP services throughout the state, the Office may need to expand the availability of CRPs providing supported and competitive employment outcomes to consumers. In this event, the Office will develop guidelines for providing grants to create new options and increase employment services available to Kentuckians with the most significant and significant disabilities. The Office will attempt to identify and target unserved and underserved counties across the state. Due to the current payment system of reimbursement following successful employment outcomes, the Office may choose to provide limited initial establishment and/or expansion funding to CRPs, particularly for supported employment, in order to increase consumer choice in service delivery.



Attachment 4.12(b): Annual Estimates of Individuals to Be Served and Costs of Services

These goals reflect the Office's continuing dedication toward serving those individuals with the most significant disabilities. In FY 2002, the Office served 32,946 consumers and in FY 2003 served 34,361 consumers. From FY 2002 to FY 2003, the percentage of individuals served who had most significant disabilities rose from 32.16% to 36.20%. These goals project only a slight increase in all categories I-IV due to limited state funding and anticipated stagnant budget.

FY 2004 SERVICE GOALS:

Priority Category	Title VI, Part B	Title I, Part B	Estimated Cost
I Eligible individuals with the most significant disabilities	150	12,750	\$13,817,300
II Eligible individuals with a significant disability who have serious limitations in three functional areas		9,972	\$12,561,182
III Eligible individuals with a significant disability who have serious limitations in two functional areas		9,112	\$11,305,065
IV Eligible individuals with a significant disability who have serious limitations in one functional area		2,951	\$4,083,060
V Eligible individuals with non-significant disabilities that result in permanent functional limitations		85	\$104,000
VI All other eligible individuals whose disabilities are non-significant	0	0	0
<b>TOTALS</b>	<b>150</b>	<b>34,870</b>	<b>\$41,870,607</b>

FY 2005 SERVICE GOALS:

Priority Category	Title VI, Part B	Title I, Part B	Estimated Cost
I Eligible individuals with the most significant disabilities	150	12,878	\$14,161,585
II Eligible individuals with a significant disability who have serious limitations in three functional areas		10,072	\$12,865,986
III Eligible individuals with a significant disability who have serious limitations in two functional areas		9,213	\$11,472,388
IV Eligible individuals with a significant disability who have serious limitations in one functional area		2,981	\$4,288,662
V Eligible individuals with non-significant disabilities that result in permanent functional limitations		75	\$98,000
VI All other eligible individuals whose disabilities are non-significant		0	0
<b>TOTAL</b>	<b>150</b>	<b>35,219</b>	<b>\$42,886,621</b>



Attachment 4.12(c)(1): State's Goals and Priorities

The Office conducted forty (40) forums across the state during the summer of 2001 to solicit input for the Office's Strategic Plan from consumers, the Statewide Council for Vocational Rehabilitation, the Statewide Independent Living Council, the Client Assistance Program, employers, advocacy groups, community rehabilitation providers, One-stop Centers, and staff. Comments and suggestions were grouped and prioritized by participants. These forums resulted in the following goals.

- GOAL I: Increase capacity to cause (assist/enable) quality employment outcomes of additional numbers of Kentuckians with the most significant and significant disabilities.
- GOAL II: Deliver prompt eligibility decisions and vocational rehabilitation services to Kentuckians with significant and the most significant disabilities to achieve timely, appropriate quality outcomes.
- GOAL III: Maximize development and utilization of human and fiscal resources and comparable benefits to enhance quality service delivery to Kentuckians with disabilities.
- GOAL IV: Assume primary education and advocacy for rights and options of Kentuckians with disabilities.
- GOAL V: Foster productive relationships with public and private entities.
- GOAL VI: Develop additional innovative programming for Kentuckians with the most significant and significant disabilities.
- GOAL VII: Realize profound public and private support by marketing the Office's exemplary vocational rehabilitation service delivery and consumers' successes in achieving positive employment outcomes.
- GOAL VIII: Recruit and maintain qualified staff.
- GOAL IX: Conduct ongoing fiscal and program monitoring to improve efficiency and effectiveness.
- GOAL X: Secure sufficient funds to achieve Office goals.

The Office established the following priorities based on the input from forum participants.

- **Expand and enhance services to individuals with the most significant disabilities through such services as supported employment and rehabilitation technology.**



- **Market the Office's unique expertise in assisting eligible individuals achieve positive employment outcomes to potential consumers; employers; and local, state, and national entities.**
- **Assure that all staff are highly skilled and knowledgeable through training and professional development particularly for new staff and those targeted for future leadership.**
- **Leverage additional funding through grants, partnerships, and cooperative agreements.**

The particular strategies and timeframes planned for achieving these goals and priorities are listed in Attachment 4.12(d).



Attachment 4.12(c)(2)(A) Order of Selection; Justification; and Outcome of Service Goals, Timeframes and Service Costs

The Rehabilitation Act of 1973, as amended, requires an Order of Selection of individuals to be served, ensuring that individuals who have the most significant disabilities will be given first priority, whenever all eligible individuals who apply cannot be served.

DEFINITIONS:

A. "Individual with a most significant disability" for the purpose of this attachment, means an individual:

- (i) Who has a significant disability; and
- (ii) Who requires intensive long-term support to facilitate the performance of work activities or daily living activities on or off the job which would typically be performed independently if the individual did not have a disability;

*[Intensive long-term support refers to intervention required throughout the individual's work life which may include but is not limited to: need for personal assistance services; need for complex rehabilitation technology services; need for job coaching and/or other long-term intervention during the individual's work life.]*

or

- (i) Who has a significant disability; and
- (ii) Who has serious limitations in four or more functional capacities (mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of employment outcome.

B. "Individual with a significant disability" means an individual with a disability:

- (i) Who has a severe physical or mental disability that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of employment outcome;
- (ii) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
- (iii) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorder, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, and end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs as described in the



Rehabilitation Act of 1973, as amended, to cause comparable substantial functional limitation.

- C. "An individual with a disability" under the Rehabilitation Act of 1973, as amended, means an individual:
- (i) Who has a physical or mental impairment;
  - (ii) Whose impairment constitutes or results in a substantial impediment to employment; and;
  - (iii) Who can benefit in terms of employment outcome from vocational rehabilitation services.
- D. "Eligible" or "eligibility" when used in relation to an individual's qualification for vocational rehabilitation services, refers to:
- (i) certification by qualified personnel that an individual is an individual with a disability; and
  - (ii) determination by a qualified vocational rehabilitation counselor employed by the designated State unit that the individual requires vocational rehabilitation services to prepare for, secure, retain, or regain employment consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
  - (iii) A presumption that the individual can benefit in terms of an employment outcome from the provision of vocational rehabilitation services unless, based on clear and convincing evidence, it is demonstrated that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the applicant's disability.
- E. "Presumption of Eligibility for Social Security Recipients and Beneficiaries" means that an individual who has been determined eligible under Title II or Title XVI of the Social Security Act is:
- (i) considered to be an individual with a significant disability; and
  - (ii) presumed to be eligible for vocational rehabilitation services under Title I (provided the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual) unless the office can demonstrate by clear and convincing evidence that such individual is incapable of benefiting from vocational rehabilitation services in terms of employment outcome due to the severity of the disability of the individual. Nothing in this definition shall be construed to create an entitlement to any vocational rehabilitation service.
- F. "Order of Selection" means an organized, equitable method for serving individuals with disabilities when all eligible persons who apply cannot be served, with assurance that first priority for service is given to those individuals who have the most significant disabilities.



- G. "Individualized Plan for Employment" (IPE) or "Rehabilitation Plan" means that program jointly agreed upon by the appropriate office staff member and the eligible individual with a disability, or, as appropriate, his/her parent, guardian, or other representative, which defines the individual's vocational goal and outlines the vocational rehabilitation services which may be delivered to achieve that goal.
- H. "Priority Category" means that classification of eligible individuals with disabilities listed according to priority for receipt of vocational rehabilitation services under an Order of Selection.
- I. "Permanent Functional Limitation" means an impairment in functional capacity, mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills, that is imposed by a disability and that is unlikely to be corrected through surgical intervention and/or medical treatment.

*[Use of the term permanent functional limitation in the office's Order of Selection differentiates between those mental or physical conditions that are usually remedied through the provision of a physical or mental restoration service(s) and those other conditions or disabilities that impose, or are likely to impose, a permanent loss or substantial reduction in functioning regardless of surgical and/or medical intervention.]*

#### POLICIES:

The Office of Vocational Rehabilitation has been and will continue to operate under an Order of Selection due to limited resources and will continually evaluate need, funding, and priority categories.

During implementation of the Order of Selection the office will continue to accept referrals of and applications from individuals with disabilities.

The Order of Selection will in no way regulate the provision or authorization of an assessment for determining eligibility.

Any individual who has begun to receive services under an Individualized Plan for Employment will in no way be affected by implementation of an Order of Selection.

The Order of Selection policy will permit immediate reclassification into a higher category, with Priority Category I being the highest category, whenever circumstances justify the reclassification.

#### PROCEDURES:

When it is determined that the office will be unable to provide services to all eligible applicants, the office will implement the Order of Selection. The Division Director of Program Services will issue a memorandum with appropriate instructions for office staff.

All applicants will be declared eligible or ineligible, as appropriate, on a timely basis.

Any person who does not meet the open categories of the Order of Selection will receive information and referral services in accordance to the 1973 Rehabilitation Act, as amended. These services include vocational rehabilitation information and guidance to assist the individual in achieving employment and referral to other Federal and State programs, including other



statewide workforce investment programs, which are best suited to meet the individual's specific employment needs.

Any person who has begun receiving services under an Individualized Plan for Employment prior to the effective date of an Order of Selection will in no way be affected should the office implement an Order of Selection.

#### PRIORITY CATEGORIES:

Upon a determination that the designated State unit cannot provide services to all individuals who are eligible for Vocational Rehabilitation Services, the following Order of Selection will be implemented in compliance with 34 CFR 361.36(a)(A)(c).

This Order of Selection provides priority of service to individuals with the most significant disabilities (priority category I); gives next priority consideration to individuals with significant disabilities who have serious limitations in three functional capacities (priority category II); next priority is given to individuals with significant disabilities with serious limitations in two functional capacities (priority category III); next priority is given to all other individuals who have a significant disability (priority category IV). The criteria for the next priority category addresses the issue of providing priority service to individuals with a non-significant disability that results in permanent functional limitations (priority category V). The remaining priority category is largely self-explanatory in that individuals with less significant disabilities would receive the lowest priority for services (priority category VI).

The Order of Selection system shall have six (6) priority categories as follows:

##### Priority Category I

Eligible individuals who have the most significant disabilities.

##### Priority Category II

Eligible individuals with a significant disability who have serious limitations in three functional capacities.

##### Priority Category III

Eligible individuals with a significant disability who have serious limitations in two functional capacities.

##### Priority Category IV

Eligible individuals with a significant disability who have serious limitations in one functional capacity.

##### Priority Category V

Eligible individuals with non-significant disabilities that result in permanent functional limitations.

##### Priority Category VI

All other eligible individuals whose disabilities are non-significant.



## Outcomes of Service Goals with Timeframes and Service Costs

### **FY 2003 SERVICE GOALS AND OUTCOMES:**

<b>Priority Category Goals</b>	<b>Active Cases</b>	<b>Employment</b>
I Eligible individuals with the most significant disabilities <b>ACTUAL</b>	10,577 <b>12,439</b>	1,196 <b>1,450</b>
II Eligible individuals with a significant disability who have serious limitations in three functional areas <b>ACTUAL</b>	10,137 <b>9,873</b>	1,504 <b>1,425</b>
III Eligible individuals with a significant disability who have serious limitations in two functional areas <b>ACTUAL</b>	8,900 <b>9,022</b>	1,337 <b>1,461</b>
IV Eligible individuals with a significant disability who have serious limitations in one functional area <b>ACTUAL</b>	3,256 <b>2,922</b>	501 <b>418</b>
V Eligible individuals with non-significant disabilities that result in permanent functional limitations <b>ACTUAL</b>	90 <b>97</b>	20 <b>18</b>
VI All other eligible individuals whose disabilities are non-significant <b>ACTUAL</b>	0 <b>8</b>	0 <b>1</b>
GOAL TOTAL	32,960	4,558
<b>ACTUAL TOTAL</b>	<b>34,361</b>	<b>4,773</b>

**ACTUAL SERVICE COSTS: FY 2003 \$40,820,104**

### **FY 2004 SERVICE GOALS:**

The office increased the provision of services to individuals with the most significant disabilities during fiscal year 2003 by 23%. However, the office in conjunction with SCVR recognizes the state budget deficits in funding for fiscal year 2004 and anticipates stagnant funding the following years. Due to the funding constraints, the service goals for 2004 reflect a small increase in priority categories I – IV. Emphases on priority category I will continue but a substantial increase in the provision of services to this category is not anticipated.



**FY 2004 SERVICE GOALS:**

<b>Priority Category Goals</b>	<b>Active Cases</b>	<b>Employment</b>
I Eligible individuals with the most significant disabilities	12,750	1,488
II Eligible individuals with a significant disability who have serious limitations in three functional areas	9,972	1,446
III Eligible individuals with a significant disability who have serious limitations in two functional areas	9,112	1,469
IV Eligible individuals with a significant disability who have serious limitations in one functional area	2,951	383
V Eligible individuals with non-significant disabilities that result in permanent functional limitations	85	14
VI All other eligible individuals whose disabilities are non-significant	0	0
<b>TOTAL</b>	<b>34,870</b>	<b>4,800</b>

SERVICE COSTS: FY 2004 \$41,870,607

**FY 2005 SERVICE GOALS:**

<b>Priority Category Goals</b>	<b>Active Cases</b>	<b>Employment</b>
I Eligible individuals with the most significant disabilities	12,878	1,500
II Eligible individuals with a significant disability who have serious limitations in three functional areas	10,072	1,420
III Eligible individuals with a significant disability who have serious limitations in two functional areas	9,213	1,474
IV Eligible individuals with a significant disability who have serious limitations in one functional area	2,981	417
V Eligible individuals with non-significant disabilities that result in permanent functional limitations	75	14
VI All other eligible individuals whose disabilities are non-significant	0	0
<b>TOTAL</b>	<b>35,219</b>	<b>4,825</b>

SERVICE COSTS: FY 2005 \$42,886,621



Attachment 4.12 (c)(3): Goals and Plans for Distribution of Title VI, Part B Funds

Goal 1: The office will distribute funding from Title VI, Part B through its established network of Supported Employment Providers. Yearly agreements are developed with these providers. Fees for service and outcome fees, along with policies and procedures for each, have been developed and will be followed by each provider. All services are monitored by the Supported Employment Branch Staff, consisting of one Rehabilitation Program Administrator and three Supported Employment Consultants. A minimum of 150 individuals will be served each year. In Fiscal Year 2003, the office assisted 169 individuals in reaching positive (supported) employment outcomes using the Title VI, Part B funds. An additional 183 individuals achieved positive (supported) employment outcome utilizing Title I funds.

Goal 2: The office will assure choice and quality services for its consumers served in supported employment by:

- a. thoroughly reviewing all applications for the vendorship program;
- b. monitoring the ongoing and extended supports provided by each agency;
- c. verifying the provider's ability to fund ongoing supports using funds other than DVR;
- d. conducting annual reviews of each vendor;
- e. providing technical assistance and training for provider staff (through a contract with University of KY-Human Development Institute's Supported Employment Training Project); and
- f. utilizing local teams to evaluate services and plan for technical assistance.

Goal 3: The office will collaborate with the Department of Mental Health/Mental Retardation Services to expand supported employment options to unserved and underserved groups. Efforts in this regard include:

- a. participation in commissions established as a result of legislation in the year 2000 which were created to improve services and supports to people with mental retardation and other developmental disabilities (HB 144) and services and supports to people with mental illness and dual diagnoses (HB 843);
- b. development of partnerships with Kentucky Medicaid Waiver Programs (Supports for Community Living) so that this source of extended support funding can be fully utilized; and
- c. utilization of interagency workgroups to develop better understanding and expand awareness of work incentives (such as in SCL Waiver, Social Security, etc.).

Goal 4: The office will seek to expand services to unserved and underserved counties as well as unserved and underserved disability groups and will encourage continuous improvement in supported employment by:

- a. partnering with KY APSE (Association for Persons in Supported Employment) to advocate for increased state funding for extended support services;
- b. maximizing the existing dollars for extended support services through collaborative agreements and contracts;



- c. increasing knowledge of Kentucky's plan for self-determination strategies, especially within the Medicaid Waiver (Supports for Community Living) programs;
- d. continuing partnerships with local Community Mental Health Centers;
- e. recruiting new Providers using establishment contracts;
- f. providing training and technical assistance in new supported employment methodologies;
- g. researching better ways to fund and/or deliver services (such as phased outcome fees, etc.); and
- h. piloting new programs and updating policies and procedures as funding permits.



Attachment 4.12(d): State Strategies and Use of Title I Funds for Innovation and Expansion Activities

(1) Address Needs Identified in the Comprehensive Assessment and to Achieve Identified Goals and Priorities

Continuing statewide studies of the Office's effectiveness, efficiency and performance; extensive reviews of pertinent studies and statistical analyses; and public input are utilized by the Office to identify needs of persons with disabilities in Kentucky. The Office conducted forty (40) forums across the state during the summer of 2001 to solicit input for the Office's 2001-2006 Strategic Plan from consumers, the Statewide Council for Vocational Rehabilitation, the Statewide Independent Living Council, the Client Assistance Program, employers, advocacy groups, community rehabilitation providers, One-stop Centers, and staff. Comments and suggestions were grouped and prioritized by participants. These forums resulted in the following goals.

- GOAL I      INCREASE CAPACITY TO CAUSE (ASSIST/ENABLE) QUALITY EMPLOYMENT OUTCOMES OF ADDITIONAL NUMBERS OF KENTUCKIANS WITH THE MOST SIGNIFICANT AND SIGNIFICANT DISABILITIES**
- GOAL II     DELIVER PROMPT ELIGIBILITY DECISIONS AND VOCATIONAL REHABILITATION SERVICES TO KENTUCKIANS WITH THE MOST SIGNIFICANT AND SIGNIFICANT DISABILITIES TO ACHIEVE TIMELY, APPROPRIATE QUALITY OUTCOMES**
- GOAL III    MAXIMIZE DEVELOPMENT AND UTILIZATION OF HUMAN AND FISCAL RESOURCES AND COMPARABLE BENEFITS TO ENHANCE QUALITY SERVICE DELIVERY TO KENTUCKIANS WITH DISABILITIES**
- GOAL IV    ASSUME PRIMARY EDUCATION AND ADVOCACY FOR RIGHTS AND OPTIONS OF KENTUCKIANS WITH DISABILITIES**
- GOAL V     FOSTER PRODUCTIVE RELATIONSHIPS WITH PUBLIC AND PRIVATE ENTITIES**
- GOAL VI    DEVELOP ADDITIONAL INNOVATIVE PROGRAMMING FOR KENTUCKIANS WITH THE MOST SIGNIFICANT DISABILITIES AND SIGNIFICANT DISABILITIES**
- GOAL VII   REALIZE PROFOUND PUBLIC AND PRIVATE SUPPORT BY MARKETING THE OFFICE'S EXEMPLARY VOCATIONAL REHABILITATION SERVICE DELIVERY AND CONSUMERS' SUCCESSES IN ACHIEVING POSITIVE EMPLOYMENT OUTCOMES**
- GOAL VIII   RECRUIT AND MAINTAIN QUALIFIED STAFF**



**GOAL IX     CONDUCT ONGOING FISCAL AND PROGRAM MONITORING TO  
IMPROVE EFFICIENCY AND EFFECTIVENESS**

**GOAL X     SECURE SUFFICIENT FUNDS TO ACHIEVE OFFICE GOALS**

In keeping with the established priorities in Attachment 4.12(c)(1), the Office has selected the following expansion and innovation activities for funding under Title I.

**GOAL I   INCREASE CAPACITY TO CAUSE (ASSIST/ENABLE) QUALITY EMPLOYMENT  
OUTCOMES OF ADDITIONAL NUMBERS OF KENTUCKIANS WITH THE MOST  
SIGNIFICANT AND SIGNIFICANT DISABILITIES**

Increase rehabilitation counselor complement to 175 counselors to meet unmet need and to reduce average caseload size to 150

Employ an additional four rehabilitation engineers

Increase skills of job placement professionals through development and implementation of credentialing

Cause supported employment services availability statewide

Target rural areas for supported employment innovations and programming

Increase supported employment outcomes in districts and at Carl D. Perkins Comprehensive Rehabilitation Center (CDPCRC) by expanding supported employment programming

Explore the possibility of utilizing the Boston model for supported employment

Assess efficacy of hiring and managing job coaches at increased pay levels, including job coaches in community based work transition and supported employment

Plan and sponsor annual employer recognition dinners



**GOAL II DELIVER PROMPT ELIGIBILITY DECISIONS AND VOCATIONAL REHABILITATION SERVICES TO KENTUCKIANS WITH THE MOST SIGNIFICANT AND SIGNIFICANT DISABILITIES TO ACHIEVE TIMELY, APPROPRIATE QUALITY OUTCOMES**

Determine eligibility in an average of 45 days, no greater than 1% variation in 60 days to eligibility determination per caseload

Increase the number of consumers achieving a positive employment outcome who earn \$10.00 or more per hour with good benefit

Enable computerized job match/search at the local level with ability for employers and staff to post jobs

Install universal work stations in every office for consumer use

**GOAL III MAXIMIZE DEVELOPMENT AND UTILIZATION OF HUMAN AND FISCAL RESOURCES AND COMPARABLE BENEFITS TO ENHANCE QUALITY SERVICE DELIVERY TO KENTUCKIANS WITH DISABILITIES**

Provide more specialized inservice training, more timely training, more training availability, and more local training

Plan and implement statewide inservice training conference on job placement

Locate or develop dynamic, state of the art training in creative, innovative job placements of individuals with the most significant disabilities

Identify or develop training for staff in specific disability(ies) including but not limited to mental health, spinal cord injury, cerebral palsy, traumatic brain injury, deafness, multiple sclerosis, muscular dystrophy, developmental disabilities, diabetes

**GOAL IV ASSUME PRIMARY EDUCATION AND ADVOCACY FOR RIGHTS AND OPTIONS OF KENTUCKIANS WITH DISABILITIES**

Assist Kentuckians with disabilities to be self advocacy experts

Conduct a statewide advocacy conference

Support, encourage and fund local/district advocacy efforts

Support an annual legislative advocacy event

Develop materials to sponsor or conduct consumer advocacy training programs to empower consumers to practice self advocacy



Sponsor or conduct consumer advocacy training programs to empower consumers to practice self advocacy

Develop a consumer empowerment link on the Office's WEB page

Research consumer demographics to insure advocacy efforts reach all Kentuckians with disabilities

Ensure responsiveness of the Office to consumer needs and desires through inclusion of Kentuckians with disabilities on advisory councils, committees, task forces and in public hearings

Staff and fund the Statewide Council for Vocational Rehabilitation (SCVR)

Provide orientation to SCVR members

Support and encourage advocacy efforts of SCVR

Staff Statewide Independent Living Council

Advocate for long term follow up funding for supported employment

Conduct public hearings to collect consumer comment and recommendations for improvement and incorporate in the policy making process

#### GOAL V FOSTER PRODUCTIVE RELATIONSHIPS WITH PUBLIC AND PRIVATE ENTITIES

Achieve Medicaid buy-in

Cross-Training for improved communication, knowledge, and access with Cabinet for Families and Children, Workforce Investment Act (WIA), DOE, One-Stops, Independent Living (IL) Centers, Health Services, Department of Transportation (DOT), Workers' Compensation, Supported Community Living, Olmstead Act initiatives, TWIIA, Benefits Counseling

Partner with Kentucky Assistive Technology Loan Corporation (KATLC) to enhance consumer access to technology

Improve identification and assessment of Kentucky Transitional Assistance Program (K-TAP) recipients with disabilities

#### GOAL VI DEVELOP ADDITIONAL INNOVATIVE PROGRAMMING FOR KENTUCKIANS WITH THE MOST SIGNIFICANT DISABILITIES AND SIGNIFICANT DISABILITIES



Establish viable, state of the art, 21<sup>st</sup> century training programs at CDPCRC

Improve self employment process and outcomes to enhance participation by individuals with the most significant disabilities

Collaborate with Kentucky Developmental Disabilities Council to create self employment model

Actively engage in the Business Leadership Network

Investigate feasibility of using video modeling

**GOAL VII REALIZE PROFOUND PUBLIC AND PRIVATE SUPPORT BY MARKETING THE OFFICE'S EXEMPLARY VOCATIONAL REHABILITATION SERVICE DELIVERY AND CONSUMERS' SUCCESSES IN ACHIEVING POSITIVE EMPLOYMENT OUTCOMES**

Hire a qualified marketing professional to develop effective marketing tools and strategies

Develop a comprehensive marketing plan to promote the unique services, success, and cost benefit of the Office

Develop a curriculum to train staff, the Statewide Council for Vocational Rehabilitation, consumers, and advocates on effective marketing techniques

Provide success stories to newspapers and other publications both locally and on a statewide basis at least monthly

Develop and provide to staff media and other resources to promote vocational rehabilitation and disability issues at speaking engagements in local communities

Develop marketing strategies to target local communities

Improve marketing efforts to employers to increase consumer employment opportunities

Target marketing efforts toward local, state, and federal officials to secure additional funds and improve public awareness

Educate consumers, advocacy groups, service providers and educational institutions on the benefits of vocational rehabilitation services to increase referrals and improve collaboration

Provide data on number of qualified, job-ready consumers available for work to labor and economic development to aid in attracting business to rural areas



## GOAL VIII RECRUIT AND MAINTAIN QUALIFIED STAFF

Establish a mentoring program for new counselors

Establish a leadership succession program

Encourage, assist, financially support and facilitate easy access for staff in obtaining and maintaining professional certification

Improve employee salaries and incentives

## GOAL IX CONDUCT ONGOING FISCAL AND PROGRAM MONITORING TO IMPROVE EFFICIENCY AND EFFECTIVENESS

Conduct a comprehensive review of expenditures and cost benefits to distribute resources more effectively and improve the quality of Office delivered and purchased services

Assess staffing patterns to ensure optimum service delivery (job placement, rehabilitation technology, etc.) and realign or increase/decrease staff as necessary

Continue efforts to decrease indirect costs

Utilize standards and indicators to improve quality positive employment outcomes

## GOAL X SECURE SUFFICIENT FUNDS TO ACHIEVE OFFICE GOALS

Target marketing efforts toward local, state, and federal officials to secure additional funds and improve public awareness

Maximize utilization of Workforce Investment Act (WIA) dollars

### (2) To Carry Out Outreach Activities to Identify and Serve Individuals with the Most Significant Disabilities Who are Minorities

The Office will continue and expand efforts to identify and serve individuals with the most significant disabilities who are minorities through the following procedures:

- Continue program evaluation of service delivery and outcomes to individuals who are minorities and expand strategies for outreach
- Continue and expand outreach activities to cause increased referrals to the Office of individuals who are minorities
- Continue and expand cultural diversity training component for all staff
- Develop and implement program of diversity training for businesses and community organizations to increase awareness and expand employment opportunities for individuals with significant disabilities who are members of minority



- Improve services to individuals with the most significant disabilities, individuals who are minorities and individuals who have been unserved or underserved utilizing data from statewide census
- Continue to implement program to recruit rehabilitation counseling interns who are members of a minority
- Maintain a referral relationship with the Urban League to increase referrals and positive employment outcomes among individuals with significant disabilities who are minorities
- Increase collaborative efforts and partnerships with agencies and organizations who provide services to minorities in order to increase outreach and increase services to minorities
- Continue efforts to hire certified rehabilitation counselors and other staff from minority and culturally diverse groups
- Continue collaborative efforts with an historical black college and the University of Kentucky to develop a minor degree program in rehabilitation counseling that will increase awareness of rehabilitation issues among minority populations as well as increase participation by minorities in graduate training in rehabilitation counseling
- Continue to coordinate with historically African American colleges and professional associations to recruit, prepare and retain qualified personnel, including staff from minority backgrounds and staff who are individuals with disabilities

The Office will achieve a more diverse workforce by hiring individuals from protected classes. Minority recruiting will enable the Office to employ highly competent people from all segments of society who can effectively support the Office mission of assisting individuals with disabilities into employment. Attitudinal change, structural change and programmatic change are ongoing to support achievement of a more diverse workforce.

Efforts to recruit and hire certified staff with diverse cultural backgrounds and individuals with disabilities are an integral part of the Office's personnel process. The Office has incorporated the Department for Workforce Investment's protected class recruitment plan into the Office personnel system. The Cabinet plan requires the dissemination of career opportunities to organizations and community agencies representing members of protected classes; recruitment of job applicants from all secondary and post-secondary schools throughout the Commonwealth; and maintenance of a pool of qualified applicants from protected classes who seek employment or advancement in employment with the Office. In addition to the Cabinet requirements, the Office actively recruits individuals of minority status and individuals with disabilities through Job Fairs conducted at Kentucky State University (KSU), the University of Louisville, the University of Kentucky and other locations throughout the state. The Office and KSU jointly developed an endorsement program to make rehabilitation courses available on an undergraduate level at a historically black university. Credit hours from KSU classes will count toward the MRC at the University of Kentucky. In addition, the Office offers stipends to minority students and students with disabilities who meet application criteria for internships within the Office.

### (3) To Overcome Identified Barriers Relating to Equitable Access



Through the comprehensive needs assessment, ongoing quality assessment, and stakeholder input through the forty (40) forums conducted in 2001, the Office identified the following barriers related to equitable access.

- Insufficient funds to serve all eligible individuals
- Lack of transportation particularly in rural areas
- Limited consumer self-advocacy skills
- Inadequate marketing of Office
- Insufficient number of supported employment providers in rural areas

Strategic Plan **Goal X** addresses insufficient funds. The Office is currently in an Order of Selection and is unable to serve all eligible individuals. The Office is actively pursuing grants and partnerships to leverage more funding to serve additional individuals. In addition, the Office is actively pursuing alternative funding sources for services through Workforce Investment Act and Ticket to Work funds which is scheduled to be implemented in Fall 2002. The Office is also planning to negotiate with the Kentucky Department of Education for increased funding for transition services. The Office is currently reviewing its fee structure to ensure adequate payment for services rendered.

Strategic Plan **Goal VI** includes an innovative pilot to be initiated addressing transportation needs in rural communities. Through this model project, one or more consumers from a rural community will be assisted in starting a self-employment enterprise to provide transportation for individuals with disabilities who are participating in a rehabilitation program or require transportation to get to and from work.

Improving self-advocacy skills for consumers is addressed in **Goal IV**. The Office will develop materials to sponsor or conduct consumer advocacy training programs in Fall 2002. These resources will allow duplication in local areas of the advocacy training already successfully provided by the Office every other year. In addition, advocacy training will be incorporated into the curriculum of the Carl D. Perkins Comprehensive Rehabilitation Center.

Successful marketing of the Office's unique expertise in all areas of the state is necessary for equal access to all individuals who might be eligible for services. It is imperative that potential consumers know about vocational rehabilitation and how to access services. It is also important that community, state, and federal entities realize the value of vocational rehabilitation to individuals with disabilities. The Strategic Plan **Goal VII** addresses marketing to: potential consumers, including those who will receive a Ticket to Work; employers; local, state, and federal officials and policymakers; and potential employees.

The limited number of supported employment providers in rural areas is addressed in **Goal I**. The Office is committed to supporting the development of innovative programming to better serve individuals with the most significant disabilities in rural communities.



Attachment 4.12(e) Evaluation and Report of Progress in Achieving Identified Goals and Priorities and Use of Title I Funds for Innovation and Expansion Activities

The Office selected goals and strategies to fund under Title I for innovation and expansion activities based upon input from consumers, the Statewide Council for Vocational Rehabilitation (SCVR), and Office staff (consult attachment 4.12 (d)). This input determined priority of goals and strategies that would support the most effective utilization of funds for innovation and expansion activities. The Office's Strategic Plan for 2001-2006 was adopted in October 2001. The following information reports progress toward these goals.

**GOAL I: Increase capacity to cause (assist/enable) quality employment outcomes of additional numbers of Kentuckians with the most significant and significant disabilities**

Six strategies have been selected for priority under Goal I. The strategies include:

Realize comprehensive system of personnel development requirements for qualified staff

Increase rehabilitation counselor complement to 175 counselors to meet unmet need and to reduce average caseload size to 150

Increase diversity of staff by recruiting and hiring qualified bilingual individuals

Increase supported employment outcomes in districts and at Carl D. Perkins Comprehensive Rehabilitation Center (CDPCRC) by expanding supported employment programming

Increase positive employment outcomes, particularly for individuals with the most significant disabilities.

Plan and sponsor annual employer recognition dinners

The University of Kentucky is utilizing technology to increase the number of qualified personnel in the field by offering an online MRC program dedicated to the specific training needs of state rehabilitation employees. This is an accelerated program that allows participants to complete the degree in sixteen (16) months. Completion of this program will meet the criteria for eligibility to sit for the Certified Rehabilitation Counselor examination and therefore meet the comprehensive system of personnel development.

The Office continues to convert positions that become vacant to rehabilitation counselor positions. At the current time, 140 positions are rehabilitation counseling positions. The budgetary constraints Kentucky is facing has halted the work of the salary equity team to increase the minimum starting salary of rehabilitation counselor positions to be more inline with surrounding states and the states in Region IV. This has resulted in a reduced number of personnel within the Office in an effort to decrease expenditures.

The Office completed the third year of the Migrant and Seasonal Farmworker RSA grant. The grant has allowed four counselors and one job placement professional to study and learn both in



the language and culture by completing an immersion program in Morelia, MX. Language and cultural skills continue to increase as Spanish maintenance classes and diversity training continue monthly. The goal for year four is to expand services to include more areas of Kentucky.

Supported employment has been a priority of the Office since 1985, however, demand for the program continues to grow and the Office has experienced some difficulty in expanding supported employment services throughout the state. The critical need is for more supported employment providers. Providers are reluctant to enroll when long-term supports are often not available as needed. The Office has advocated for many years with the Kentucky General Assembly to provide long-term support dollars. Rural areas continue to be targeted in an effort to increase supported employment outcomes in the districts and at the Carl D. Perkins Comprehensive Rehabilitation Center. Job coaches are integral, of course, to the provision of supported employment. Module trainings for supported employment job coaches are conducted quarterly to increase knowledge and skills.

The statewide emphasis on individuals with the most significant disabilities assisted four districts within the Office to develop innovative programs to focus on services and employment for individuals with the most significant disabilities. This effort resulted in an increase of 23% in positive employment outcomes for priority category I, most significant disabilities.

The Office and the Statewide Council on Vocational Rehabilitation are planning a joint Council member and employer recognition dinner in October 2004. This has become an annual event.

**GOAL II: Deliver Prompt Eligibility Decisions and Vocational Rehabilitation Services to Kentuckians With the Most Significant and Significant Disabilities to Achieve Timely, Appropriate Quality Outcomes**

Four strategies have been selected for priority under Goal II. The strategies include:

Determine eligibility in an average of 45 days, no greater than 1% variation in 60 days to eligibility determination per caseload

Increase the number of consumers achieving a positive employment outcome who earn \$10.00 or more per hour with good benefits

Enable computerized job match/search at the local level with ability for employers and staff to post jobs

Increase communication among all staff through computer networking e.g. email, intranet, video conferencing, etc.

The Office has made substantial improvements in the timeliness of eligibility decisions and will continue this effort. Additionally, the Office through continuing emphasis on job placement, hiring and credentialing job placement professionals, expansion of the Office's Preparing Adults for Competitive Employment (PACE) programs, sponsoring annual employer recognition dinners, participation in the Business Leadership Network, Job Placement Month activities, and



attention to continuing improvement in Kentucky's ranking on the federal standards and indicators is making progress in increasing the number of consumers achieving a positive employment outcome at \$10.00 per hour or more with good benefits and promotional opportunities.

As the Office practices continuous improvement in providing state of the art vocational rehabilitation services to Kentuckians with significant disabilities in ever more accessible locations and offices, the staff of the Office will assess, plan, and implement equipping district offices and the CDPCRC with computer hardware and software enabling applicants and consumers to access occupational information including career exploration, labor market statistics, Department of Employment Services job openings, disability related bulletin boards, rehabilitation technology listings, HyperAbleData, America's Job Bank, etc. Computer instructed resume writing and job seeking skills would also be a component of the system. Job match capabilities will be available for job openings throughout the State of Kentucky. Office staff have requested that the Office work toward technologically capable job match/search availability at the local level. Providing universal workstations with state of the art technological capacity available to consumers in local offices will support consumer choice and empowerment.

Carl D. Perkins Comprehensive Rehabilitation Center received national funding through Centers for Excellence for Remote Medically Underserved Areas to provide interactive audio/visual equipment to conduct vocational assessments at the Pikeville and Bowling Green field offices.

### **GOAL III: Maximize Development and Utilization of Human and Fiscal Resources and Comparable Benefits to Enhance Quality Service Delivery to Kentuckians With Disabilities**

Five strategies have been selected for priority under Goal III. The strategies include:

Provide more specialized inservice training, more timely training, more training availability, and more local training

Train job placement professionals in skills specific to unique job tasks

Develop and implement training on rehabilitation technology assessment, vocational assessment, transferable skills and job accommodations

Enhance and improve counselor skills in transition

Upgrade Carl D. Perkins Comprehensive Rehabilitation Center facilities

Identify or develop training for staff in specific disability(ies) including but not limited to mental health, spinal cord injury, cerebral palsy, traumatic brain injury, deafness, multiple sclerosis, muscular dystrophy, developmental disabilities, diabetes

In keeping with the Rehabilitation Act Amendments of 1992 and 1998, the Office has made a firm commitment to increase and enhance the skills of all staff. This is in keeping with the values of the Office. Selection of these particular strategies emanates from public hearings on the State



Plan and forty forums on the Strategic Plan that included many stakeholders including staff and consumers, consumer satisfaction surveys, focus groups, meetings with the Statewide Council for Vocational Rehabilitation, staff input, the Office's training needs assessment, information gleaned from self-advocacy training sessions, and continuing statewide studies of the Office's effectiveness and efficiency. The Office emphasizes quality employment outcomes for Kentuckians with significant and most significant disabilities.

The Office sponsors tuition assistance to a large number of staff in training programs through local colleges, universities, Governmental Services Center, and the Governor's Office of Technology. Additional higher education opportunities are provided to staff through the support of the University of Kentucky Master's Program in Rehabilitation Counseling with on campus, distance learning and web-based components. Staff are encouraged to pursue professional development through regional, state and national training conferences on rehabilitation engineering and assistive technology, brain injury, job development, and job placement as well as many other topics. The Professional Rehabilitation Assistant training and certification program and the Kentucky Rehabilitation Association annual training conference and the Southeast Region National Rehabilitation Association Annual Training Conference are also made available to staff.

The Human Resource Development Branch of the Office has reengineered and revitalized the Skills Enhancement Training provided to all staff as well as incorporating a New Employee Orientation program to provide immediate support to employees. A more intense training on the Ticket to Work program was held in the districts to address needs specific to each area. This same district training concept was employed during the summer 2003 as the Office provided a three-day intense training on vocational assessment.

Continuous effort is being made to provide quality and timely training opportunities to staff for professional development. The Deaf and Hard-of-Hearing Branch are currently in planning phases for a new training process in which new communication specialists will be able to receive training via interactive CD. The orientation training will be available to all Office staff but specifically designed for communication specialists and cover topics such as audiological services, low-functioning deaf, hearing loss, and assistive technology. The Office is now pursuing the implementation of web-based education programs to assist in this area. The introduction of new technology has allowed many staff members to participate in higher education programs in pursuit of degrees leading to certification in their field of expertise as well as participate in other training to keep them abreast of new information in vocational rehabilitation. This trend is projected to increase and the Office is committed to the development and utilization of this new technology to provide increased professional development and support to all staff.

The Office of Vocational Rehabilitation and the Kentucky Department of Education work collaboratively with the Human Development Institute at the University of Kentucky to provide training and technical assistance to staff involved with transition age students. An in depth training around current methods and techniques for service provision is offered on an annual basis at six locations throughout the state. In addition to this three-day training we offer seven one-day trainings on the impact of specific disabilities as well as one-day trainings on Social



Security, Behavior Management and Video Self-Modeling. Technical assistance is provided on an individualized basis, as well as through a formal one-day workshop held annually at six locations throughout the state.

The Carl D. Perkins Rehabilitation Center was fortunate enough to receive state funding for renovation of the current sewer system. The Governor's recommended budget includes \$1.2 million in capitol project to replace the roof.

#### **GOAL IV: Assume Primary Education and Advocacy for Rights and Options for Kentuckians With Disabilities**

Eight strategies have been selected for priority under Goal VI. The strategies include:

Develop materials to sponsor or conduct consumer advocacy training programs to empower consumers to practice self-advocacy

Ensure responsiveness of the Office to consumer needs and desires through inclusion of Kentuckians with disabilities on advisory councils, committees, task forces and in public hearings

Staff and fund the Statewide Council for Vocational Rehabilitation (SCVR)

Provide orientation to SCVR members

Support and encourage advocacy efforts of SCVR

Staff Statewide Independent Living Council

Advocate for long term follow-up funding for supported employment

Conduct public hearings to collect consumer's comments and recommendations for improvement and incorporate in the policy making process

The Office and other advocacy organizations propose to once again plan and implement self-advocacy training for Kentuckians with the most significant disabilities and Kentuckians with significant disabilities that will involve the Kentucky General Assembly, the Legislative Research Commission, the Governor's Office, the Administrative Office of the Courts, the Attorney General's Office and various other trainers. Disability organizations that have assisted the Office in endeavors of this nature in the past include the Kentucky Disabilities Coalition, Office of Family Leadership, Developmental Disabilities Council, consumers groups, Statewide Council for Vocational Rehabilitation, Statewide Independent Living Council, Protection and Advocacy, Client Assistance Program, Center for Accessible Living, and others.

The purpose of self-advocacy training is to empower consumers to advocate for their needs with government officials at the state, local, and county levels. Many individuals with significant and most significant disabilities were not mainstreamed in schools. Many, in fact, never attended



public or private schools. Civics classes and American Government classes were, therefore, not available. This initiative proposes to provide self-advocacy training to individuals with significant disabilities who have not had the opportunity to participate and who may never truly be included, empowered, integrated or independent, until they feel secure to participate fully in American democracy. This initiative is in keeping with the United States policy as stated in the Rehabilitation Act of 1973 as amended, PL 102-569, Section 2, (c) POLICY, “(5) support for individuals in systemic and advocacy and community involvement.”

On January 14, 2004 the Office assisted with extensive development of informational packets, pins, and other information for an educational event, box lunch and a Capitol Rotunda Rally attended by some of the Kentucky General Assembly members and key staff of the Governor’s Office. Over 400 consumers attended the event and shared with their legislators their needs to secure independence and self-sufficiency.

The Office is planning and implementing an annual self-advocacy training for Carl D. Perkins Rehabilitation Center graduates. The training will occur one month before the graduates return to their community and will include trainers from Developmental Disabilities Council, local legislators, and previous consumers of the Office.

The Office continues to support and fund the Statewide Council for Vocational Rehabilitation and Statewide Independent Living Council. Orientation training was provided to new members of both councils by staff and partners of the Office. The Statewide Council for Vocational Rehabilitation reorganized in 2003 to promote a stronger advocacy component.

#### **GOAL V: Foster Productive Relationships with Public and Private Entities**

Five strategies have been selected for priority under Goal V. The strategies include:

Achieve Medicaid Buy-In

Cross-Training for improved communication, knowledge, and access with Cabinet for Families and Children, Workforce Investment Act (WIA), Department of Education (DOE), One-Stops, Independent Living (IL) Centers, Health Services, Department of Transportation (DOT), Workers’ Compensation, Supported Community Living, Olmstead Act initiatives, TWIIA, Benefits Counseling

Partner with Kentucky Assistive Technology Loan Corporation (KATLC) to enhance consumer access to technology

Enhance One-Stop service delivery to Kentuckians with disabilities

Continue to partner with One-Stops to better serve customers

A January 14, 2004 Legislative rally included the Office’s extensive development of informational packets, and other information for an educational event, which included more than 400 consumers, members of the Kentucky General Assembly, the Kentucky Governor,



Gubernatorial candidates, and key staff of the Governor's Office. All participating sponsors and consumers hailed the event as extremely successful. Medicaid Buy-In, Supported Employment, Supported Living and Personal Assistant Services were the key advocacy issues.

In February 2002, the Office in partnership with other vital agencies in the Commonwealth and non-profit organizations that advocate for persons with disabilities developed a team to pursue Medicaid Buy-In for Kentucky. Currently a bill has been developed with the assistance of the Office and sponsored by a legislator to explore, recommend, and implement Medicaid Buy-In by January 2005. The Office is continuing to support this bill as it moves through various legislative committees.

The Kentucky Assistive Technology Loan Corporation was established by the Kentucky General Assembly in July 1996. The Board of Directors was appointed by the Governor in March 1998. The Cabinet Secretary for Workforce Development named the Office's Rehabilitation Technology coordinator as his representative, and the Corporation presently receives clerical and administrative support from the Office. By-laws and Kentucky Administrative Regulations have been approved. The Kentucky General Assembly appropriated \$100,000 in each year of the 1998-2000 Biennium for the Loan Fund. The Office is also providing funds for support of the Corporation. The Kentucky Developmental Disabilities Planning Council has provided more than \$100,000 in start up funds. The Corporation entered into an agreement with Fifth Third Bank to provide assistive technology loans to consumers in spring, 2000. The first low interest loans have been made and marketing is increasing to consumer groups throughout the Commonwealth. The Kentucky General Assembly appropriated an additional \$100,000 in each year of the 2000-2002 Biennium. The Board was awarded a grant from NIDRR in 2003 that will yield an additional \$142,000 for the loan fund.

Cross training continues in the Office as specified in the strategy. However, improvements in availability of cross training are being explored presently.

The Office has a staff presence at each of the comprehensive One-stop Centers and staff satellite offices either on a part-time or itinerant basis. Staff play a critical role on local Workforce Investment Boards across the state.

The Office is an active participant with the Kentucky Business Leadership Network, which was determined to be the 5th most successful program in the United States.

#### **GOAL VI: Develop Additional Innovative Programming for Kentuckians With the Most Significant Disabilities and Significant Disabilities**

Six strategies have been selected for priority under Goal VI. The strategies include:

Establish viable, state of the art, 21<sup>st</sup> century training programs at CDPCRC

Improve self-employment process and outcomes to enhance participation by individuals with the most significant disabilities



Collaborate with Kentucky Developmental Disabilities Council to create self-employment model

Actively engage in the Business Leadership Network

Establish CDPCRC satellite training/assessment throughout the state

Expand the Migrant Farm Workers' Program

In 2000, the CDPCRC received three-year accreditation from carf, the rehabilitation accreditation commission, in comprehensive vocational assessment, occupational skill training, work adjustment, and brain injury programs. The CDPCRC expanded computer access for consumers by opening the Computer Basics classroom for use during evening hours for word processing and Internet access. Dedicated phone lines were also installed in the medical housing unit for residents interested in subscribing to a local Internet service provider. A new Director has been hired for the CDPCRC and all programs are being reviewed with the vision that establishing viable, state of the art, 21<sup>st</sup> century training programs at CDPCRC is achievable. The recent addition of the materials management and retail sales training programs are evidence of state of the art training being implemented at CDPCRC. Additionally, outreach efforts are underway to form liaisons with other training entities to increase the training offerings while assisting the Appalachian communities around the Center to participate in training initiatives.

The Kentucky Developmental Disabilities Council has provided a self-employment grant to the Office. Advancing Supported Self-Employment Techniques, also known as Project ASSET, began in May 2002 and will concentrate on individuals with the most significant disabilities. Currently 10 individuals with disabilities are involved with Project ASSET. Project ASSET expanded its efforts in 2003 to include supported self-employment for individuals with mental illness. The Office has committed to pilot video self-modeling and is actively engaged in the Business Leadership Network of Kentucky.

**GOAL VII: Realize Profound Public and Private Support by Marketing the Office's Exemplary Rehabilitation Service Delivery and Consumers' Successes in Achieving Positive Employment Outcomes**

Eight strategies have been selected for priority under Goal VII. The strategies include:

Develop a comprehensive marketing plan to promote the unique services, success, and cost benefit of the Office

Develop a curriculum to train staff, the Statewide Council for Vocational Rehabilitation, consumers, and advocates on effective marketing techniques

Provide success stories to newspapers and other publications both locally and on a statewide basis at least monthly

Develop and provide to staff media and other resources to promote vocational rehabilitation and disability issues at speaking engagements in local communities



Develop marketing strategies to target local communities

Improve marketing efforts to employers to increase consumer employment opportunities

Target marketing efforts toward local, state, and federal officials to secure additional funds and improve public awareness

Educate consumers, advocacy groups, service providers and educational institutions on the benefits of vocational rehabilitation services to increase referrals and improve collaboration

The marketing initiative of the Office began with the hiring of a marketing director. New brochures, pamphlets, press releases, and marketing initiatives sporting the new Office logo have been developed. The next phase began with the establishment of a marketing team to design and oversee the implementation of a comprehensive marketing plan. The focus of the team this year is to develop strategies to market to businesses with staffing issues, transition students and for the recruitment and retention of rehabilitation staff.

The Migrant and Seasonal Farmworker Program developed a video introducing Office services. The video will be available in all offices and will be a resource to provide better services to individuals whose primary language is Spanish. The video was filmed on a farm setting and utilized Office staff.

### **GOAL VIII: Recruit and Maintain Qualified Staff**

Five strategies have been selected for priority under Goal VIII. The strategies include:

Establish a mentoring program for new counselors

Establish a leadership succession program

Encourage, assist, financially support and facilitate easy access for staff in obtaining and maintaining professional certification

Study the classification system and opportunity for advancement

Improve employee salaries and incentives

The rehabilitation counselor mentor team developed the first mentoring program for new counselors. Eighteen rehabilitation counselors were selected to become mentors and completed a two-day training to prepare for this challenge. An evaluation of the mentors, the new counselors hired within the past year, and the field administrators were conducted to determine the efficacy of this program. Results of the survey indicate an overall satisfaction with the program and a need for mentors in areas where currently there are none as well as mentors in other job categories. The professional rehabilitation assistant program also developed a mentor program for new assistants in which five assistants have become mentors throughout the state.



Similarly, a leadership succession program is in the planning stages. The Office encourages professional certification of all staff and provides additional support above the tuition allowed in the state educational achievement policy.

The University of Kentucky is using technological advancements to increase the number of qualified personnel in the field by offering an online MRC program dedicated to the specific training needs of state rehabilitation employees. This is an accelerated program that allows participants to complete the degree in sixteen (16) months. This new resource has created a tremendous increase in the number of employees working toward their MRC with eighteen (18) currently registered for classes.

### **GOAL IX: Conduct Ongoing Fiscal and Program Monitoring to Improve Efficiency and Effectiveness**

Four strategies have been selected for priority under Goal IX. The strategies include:

Conduct a comprehensive review of expenditures and cost benefits to distribute resources more effectively and improve the quality of Office delivered and purchased services

Assess staffing patterns to ensure optimum service delivery (job placement, rehabilitation technology, etc.) and realign or increase/decrease staff as necessary

Continue efforts to decrease indirect costs

Utilize standards and indicators to improve quality positive employment outcomes

The Statewide Council for Vocational Rehabilitation commissions a yearly consumer satisfaction survey through the University of Kentucky Survey Research Center. Preliminary data from the random sample survey of cases closed in FY 2003 indicates 89.6% of all consumers surveyed would return to Vocational Rehabilitation in the future if needed and 83.2% stated that services were good or very good.

The consumer satisfaction survey assists in the efforts outlined in the strategies listed. The rehabilitation technology program consumers were surveyed in the fall of 2002. More than 98% of the consumers felt they were treated well by the rehabilitation technology staff and more than 94% reported the services they received met their rehabilitation technology needs. Among counselors, 97% liked the way they were treated by the rehabilitation technology staff and 98% felt that the services met the rehabilitation technology needs of their consumers. These results represent a very high level of satisfaction between both groups. Staffing patterns have recently been reviewed and changes have been made to assure adequate service delivery. This is, of course, an ongoing process in a Office that strives to maintain a high performance organization through continuous improvement.

In late 2002 and early 2003, the Office conducted an extensive review of its the rehabilitation technology program. The review considered the effectiveness of services in terms of positive employment outcomes and the financial and service delivery impact if the Office were to include



RT services in financial needs testing. The study indicated that the majority of staff and the Statewide Council for Vocational Rehabilitation were supportive of the implementation of financial needs testing for RT services. The study further showed that RT services were highly effective in assisting eligible individuals, particularly those with significant or most significant disabilities, achieve or maintain employment at higher wages and greater benefits than consumers receiving other services. The rehabilitation rate for individuals who receive RT services was 89% as compared to 67% across all service types. Additionally, RT services were found to be very effective in assisting individuals maintain employment. Of those individuals who were employed at the time of application but were at risk of losing their job due to limitations of their disability, 93% were able to maintain their employment after receiving VR services. Both consumers and staff expressed a very high level of satisfaction with RT services. The leadership of the Office is utilizing this data to make decision regarding the future direction of the RT program.

The Office is currently conducting a comprehensive review of its Preparing Adults for Competitive Employment (PACE) Program, which provides adjustment and job site training to eligible individuals. The study is looking at best practices and cost efficiencies related to this program.

The Office continues to advocate for decreased indirect costs. The Office meets and, in fact, exceeds the performance standards and indicators in all areas as promulgated in federal regulations by the Rehabilitation Services Administration. However, practicing continuous improvement means that the Office and Office staff are committed to and strive to provide an even higher quality and quantity of vocational rehabilitation services. In so doing, the Office expects to always exceed the requirements of the standards and indicators.

In 2003, the Office exceeded all areas of the standards and indicators as detailed below.

Indicator 1.1 Positive Employment Outcomes: 4,773 (target 4,557)

Indicator 1.2 Rehabilitation Rate: 68.3% (target 55.8%)

Indicator 1.3 Competitive Employment Above Minimum Wage: 95.9% (target 72.4%)

Indicator 1.4 Competitive Employment Above Minimum Wage with Significant Disability: 99.6% (target 62.4%)

Indicator 1.5 Ratio of Average Wage Compared to State Average Wage: .66 (target .52)

Indicator 1.6 Self Support at Application and Closure: 69.7% (target 53%)

Indicator 2.1 Minority Service Rate to Non-Minority Service Rate: .91 (target .80)

The Office continues to strive for excellence in all areas of the standards and indicators. Focus on each aspect of the standards and indicators will continue as an effort to increase quality services to Kentuckians with disabilities.

## **GOAL X: Secure Sufficient Funds to Achieve Office Goals**

Two strategies have been selected for priority under Goal X. The strategies include:



Target marketing efforts toward local, state, and federal officials to secure additional funds and improve public awareness

Maximize utilization of Workforce Investment Act (WIA) dollars

Even though Congress passed appropriations measures requiring that states receive, at least, a cost of living adjustment annually, the fact remains that many states, notably Kentucky, do not. Education efforts are underway to correct this oversight. Comment has already been made in this attachment that at the state level related funding for supported employment, albeit, small, may be achieved in this biennial budget. Kentucky remains in an order of selection and cannot, therefore, serve all Kentuckians with disabilities who are otherwise eligible. An order of selection is necessary when there are not sufficient funds to serve all eligible individuals. The Office's advocacy for additional/sufficient funding is imperative.

Kentucky continues to utilize a portion of Title I funds for innovation and expansion activities. These funds were used to provide travel and lodging expenses to both the Statewide Council for Vocational Rehabilitation and Statewide Independent Living Council for the quarterly meetings throughout the year. The Statewide Council for Vocational Rehabilitation October 2003 meeting used innovation and expansion funds to organize an annual employer recognition banquet in an effort to increase relationships among employers throughout the Commonwealth and the Office.



#### Attachment 4.16(b)(2): Mediation and Impartial Due Process Hearing

Each individual applying for or receiving services or, as appropriate, the individual's representative must be informed of the appeals opportunities available, including the names and addresses of individuals with whom appeals may be filed. This information is provided to each applicant in the Consumer Guide. An individual may appeal any action concerning the furnishing of or denial of Vocational Rehabilitation services within sixty (60) days of becoming aware of the action. An appeal may be requested in writing; by telephone through direct contact with the Director of Program Services or a designee; or on tape. A voice mail message does **not** constitute a request for a hearing.

The counselor should make every effort to rectify situations as they develop through communication and negotiation. If, however, the dispute is such that a resolution cannot be reached, the applicant or eligible individual or, as appropriate, the individual's representative has the option of requesting an informal review, mediation or impartial hearing. Requests must be made to the Director of Program Services or his/her designee. Regardless of the option chosen, an impartial hearing must be conducted within sixty (60) days of this request unless an informal resolution is achieved or the parties agree to a specific extension of time, not to exceed one (1) year. Requests for informal administrative review and mediation begin the 60-day time clock for conducting a hearing.

The applicant or eligible individual or, as appropriate the individual's representative shall at the time of requesting a hearing identify accommodations required and submit an issue statement for the hearing. The individual will be notified in writing by the Director of Program services of the right to be represented by counsel or representative and will be informed of the availability of services from the Client Assistance Program (CAP). The Office shall not be responsible for any fees incurred by the individual for legal services.

Pending a final determination of a hearing or other final resolution, services including both evaluation and assessment services and services provided under an Individual Plan of Employment shall **not** be suspended, reduced, or terminated unless:

- services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the applicant or eligible individual.
- the applicant or eligible individual, or an authorized representative requests such action.

#### **NOTIFICATION OF RIGHTS AND PROCEDURES FOR FILING AN APPEAL**

The counselor shall supply each applicant or eligible individual and, as appropriate, the individual's representative a copy of the Consumer Guide during the application process that provides information of appeal rights and procedures and explain these rights in a way that the consumer can fully understand. The counselor shall also advise all applicants and eligible individuals of the existence of the Client Assistance Program (CAP), the services provided by the program, and how to contact the program representatives. The individual and/or the



individual's representative, as appropriate, will be referred to this information during IPE development; whenever services are reduced, suspended or ceased; and as appropriate throughout the rehabilitation process.

## **INFORMAL ADMINISTRATIVE REVIEW**

The applicant or eligible individual or, as appropriate, the individual's representative may choose to utilize the informal administrative review process to resolve disputes prior to an impartial hearing but is in no way required to use it. Once elected, the individual may halt the informal proceedings at anytime and pursue an impartial hearing. Even when an informal process is chosen, an impartial hearing must be conducted within 60 days of the request unless a satisfactory resolution is reached prior to that time or both parties agree to an extension of time not to exceed one year. An informal administrative review consists of a complete review of the case documentation, an examination of the individual's complaint including a determination of the degree to which the Office's policies and procedures were observed in the conduct of the case. It will also include a personal interview with the individual and/or his or her representative and the pertinent Office staff involved. The Director of Program Services or his/her designee will select an administrator from a district not involved in the action. The administrator will schedule and conduct the review within ten (10) days, either in person or by teleconference. The results of the informal review may support the actions of the counselor in the case or support the claims of the individual.

Within five (5) days the Administrator will provide a written determination to the individual, his or her representative and the Office. The written determination will state the facts upon which the decision is based and include procedures for requesting mediation and/or an impartial hearing and information on the availability of the Client Assistance Program (CAP) should the consumer wish to pursue other options. The informal review decision is binding for involved Office personnel.

## **MEDIATION**

The applicant or eligible individual or, as appropriate, the individual's representative may choose to utilize mediation to resolve disputes prior to an impartial hearing but is in no way required to use it. Once elected, the individual may halt the informal proceedings at anytime and pursue an impartial hearing. Even when an informal process is chosen, an impartial hearing must be conducted within forty-five days of the request unless a satisfactory resolution is reached prior to that time or both parties agree to an extension of time not to exceed one year. Mediation is an alternative form of dispute resolution in which a neutral third party facilitates a voluntary agreement between the disputing parties.

The mediation process is voluntary on the part of the consumer and the Office. It will not be used to deny or delay the right of a consumer to a hearing. The Office shall maintain a list of qualified, impartial mediators, who are trained in effective mediation techniques. These mediators will be knowledgeable in the laws (including regulations) relating to the provision of Vocational Rehabilitation services under the Rehabilitation Act as well as disability issues in general. The Director of Program Services or his/her designee shall choose a mediator from this



list and schedule a mediation meeting within five (5) days. The specific meeting place must be agreed upon by all parties involved in the dispute and should include accommodations for full participation of the individual. The terms and guidelines for the mediation process will be initiated by the mediator and will be reviewed and approved by both parties prior to meeting.

A consumer can withdraw from mediation at any time and request an impartial hearing or an informal administrative review. A dispute may be resolved prior to mediation. Mediation cannot be used to deny or delay the right of the applicant or eligible individual to an impartial hearing or to deny any other right afforded under the Rehabilitation Act.

**The Parties:** The parties involved in the session will be the mediator, the consumer and his/her representative and pertinent Office staff. The Office will have a representative in attendance, who is authorized to bind the Office to an agreement.

**The Mediation Session:** The mediator will open the session and each party will in turn be provided with an opportunity to present his or her position. The mediator will then ask questions to help the parties understand each other and the issues as well as to identify areas of impasse. The purpose is to open up communication in order to identify common ground and brainstorm possible solutions. At times it may be necessary for the mediator to meet privately in caucus with the individual parties to facilitate open communication.

**The Mediation Agreement:** Any agreement reached by the parties during this mediation process shall be set forth in a written mediation agreement. The mediator will act as scribe for the parties' agreement, which will then be signed by the parties. The mediation agreement will be effective immediately unless the consumer wishes to have the agreement reviewed by counsel or representative during a three-day review period. If the consumer discovers a problem with the agreement during the three-day review period, he or she can request to return to mediation or can move forward with an impartial hearing or informal administrative review.

**Confidentiality During The Mediation Process:** Discussions that occur during the mediation process shall be held in strict confidence and shall not be used as evidence in any subsequent review, hearing or civil procedure. The parties involved in the mediation process may be required to sign a confidentiality pledge prior to the beginning of the process. Any notes or papers created and shared during the mediation process will be shredded excluding the mediation agreement.

## **IMPARTIAL HEARING (APPEAL)**

The purpose of the hearing is to provide an individual who is dissatisfied with a Office action or inaction the opportunity to present evidence and information before an impartial hearing officer who will make a determination based on the evidence presented. At the time of requesting an impartial hearing, the applicant or eligible individual shall provide an issue statement for the hearing officer and identify accommodations required for the hearing (e.g. accessible formats for printed materials or an interpreter). An impartial hearing must be conducted within sixty (60) days of this request unless an informal resolution is achieved or the parties agree to a specific



extension of time, not to exceed one (1) year. Requests for informal administrative review or mediation begin the 60-day time clock for conducting a hearing.

The hearing will be conducted by an impartial hearing officer randomly selected from a pool of trained hearing officers in the Administrative Hearings Division of the Office of the Attorney General approved by the Office and the Statewide Council for Vocational Rehabilitation. The hearing officer must have knowledge of the delivery of vocational rehabilitation services and the related Federal and State laws and administrative regulations. The hearing officer will not be involved in any hearing in which the officer has been involved in previous decisions regarding the applicant or eligible individual nor in any decision in which personal or financial interest might interfere with objectivity.

## **CONDUCT OF HEARING**

The following is a summary of the conduct of a fair hearing. For specific details, consult KRS Chapter 13B.

**Pre-hearing Conference:** The hearing officer may convene and conduct a pre-hearing conference upon reasonable notice to all parties. This pre-hearing conference may deal with clarification of issues, rulings on witnesses, and other matters that will promote the orderly and prompt conduct of the hearing.

**Hearing:** The hearing officer will preside over the hearing and regulate the course of the proceedings. The hearing officer shall afford all parties the opportunity to respond, present evidence and argument, conduct cross-examination of witnesses and submit rebuttal evidence. The applicant or eligible individual may participate in person and/or be represented by an advocate or legal counsel. Other parties must participate in person and/or be represented by legal counsel.

**Decision:** The hearing officer must complete and submit to both parties as well as the Commissioner of the Department for Workforce Investment, the written recommended decision within thirty (30) days of receipt of the transcript of the hearing unless both parties agree to a time extension. Either party shall have twenty (20) days from the date the recommended order is mailed within which to file exceptions to the Commissioner of the Department for Workforce Investment. The Commissioner of the Department for Workforce Investment shall consider the record, including the recommended order and any timely exceptions filed to the recommended order. The recommended order may only be overturned or modified if there is clear and convincing evidence that the decision was contrary to the approved State Plan, the Rehabilitation Act, or Federal or State regulations. The Commissioner of the Department for Workforce Investment shall issue the final order within thirty (30) days from expiration of the time period for filing exceptions.



Attachment 6.9(c)(2): Services Subject to Economic Needs Test

According to Federal Regulations 361.54 (3)(ii) The designated State unit may not apply a financial needs test, or require the financial participation of the individual as a condition for furnishing any vocational rehabilitation service if the individual in need of the serve has been determined eligible for Social Security benefits under Titles II or XVI of the Social Security Act.

- (1) An economic needs test shall be applied as a condition for furnishing the following vocational rehabilitation services:
  - (a) Physical and mental restoration services;
  - (b) Tuition and initial registration fees for vocational and college training;
  - (c) Maintenance other than diagnostic;
  - (d) Transportation other than diagnostic;
  - (e) Services, other than diagnostic, to members of an individual's family necessary to the adjustment or rehabilitation of the individual with a disability;
  - (f) Occupational licenses, tools, equipment, and initial stock (including livestock) and supplies;
  - (g) Post-employment services other than (2)(a)-(m);
  - (h) Tuition and initial registration fees for training beyond the baccalaureate level;
  - (i) Other goods and services which can reasonably be expected to benefit an eligible individual in terms of employment outcomes;
  - (j) Vehicle and property modifications in excess of \$10,000.
- (2) The following services shall be excluded from an economic needs test:
  - (a) Assessment for determining eligibility and vocational rehabilitation needs;
  - (b) Counseling and guidance;
  - (c) Services provided by staff at state owned and operated rehabilitation facilities;
  - (d) Placement;
  - (e) Rehabilitation technology [except as provided in (1)(j) of this Attachment];
  - (f) Communication assistance in the individual's native language;
  - (g) Books, supplies, tools and equipment for vocational and other training;
  - (h) Supported employment;
  - (i) Interpreter services for the deaf;
  - (j) Reader services for the blind;
  - (k) Personal assistance services;
  - (l) Tutors, note takers, and assistive technology education aides; and
  - (m) Other training, including driver training, on-the-job training, job coaching, job development and training.
- (3) The 1998 Kentucky Median Gross Income as adjusted to family size shall be used as the criterion for the Office economic needs test.



## Attachment 7.3: Quality, Scope, and Extent of Supported Employment Services

### SCOPE

The Kentucky Office of Vocational Rehabilitation believes that supported employment is a service, which supports people with the most significant disabilities in jobs, which are:

- Integrated with co-workers who do not have disabilities
- In typical community businesses
- Based on individual interests, abilities, and choices (the ways in which we all want to select jobs)

Support services provided by supported employment personnel will vary based on the amount, intensity, and kind of support needed by each individual. Supported employment offers more than just the assistance needed to find and learn a job. It provides the necessary ongoing support to help an individual maintain employment.

Kentucky has identified 62 supported employment providers throughout the state. Individualized strategies are also utilized to arrange for supported employment services outside of "organized programs" when necessary (i.e. coworkers at the job site may provide support paid for with various resources; independent supported employment specialists may be hired, etc.).

More than half of Kentucky's 120 counties have access to supported employment programs. The lack of accessible, dependable transportation often limits access to supported job opportunities.

Extended support services are provided by each local supported employment program utilizing funds from a myriad of sources, including the Department for Mental Health/Mental Retardation Services, the Kentucky Developmental Disabilities Council, city and county government, United Way, fund-raising campaigns, PASS funding, Medicaid, supports for Community Living Waiver funds, and other resources. Most programs utilize a combination of funding sources for the provision of extended support services. Natural supports are encouraged (such as co-worker, peer, etc.) and are carefully monitored by the supported employment provider.

Kentucky's supported employment programs have primarily served individuals with mental retardation and individuals with chronic mental illness. This is largely due to greater availability of funding for extended support for these two groups. Individuals with other disabilities are served if funding for extended support is available and if the supported employment provider has the expertise to meet that individual's needs for employment training and support.

Although the Kentucky Supported Employment Council (organized in 1985 to help coordinate Project ASSET activities) has disbanded, many of the original members continue to work toward development of a stronger system for funding the extended support services necessary for individuals to be successful in supported employment. KY APSE (Association for Persons in Supported Employment) has taken the lead in this endeavor.

The Office is collaboratively working with the Kentucky Council on Development Disabilities to pilot a supported self-employment project called Project ASSET (Advancing Supported Self-Employment Techniques). The goal is to achieve successful self-employment enterprises with 15 individuals with the most significant disabilities by the end of fiscal year 2004.



The Kentucky Disabilities Coalition, the Kentucky Association for Persons in Supported Employment, and supported employment providers and consumers throughout the state have been successful in creating greater supported employment awareness among the legislators in Kentucky's General Assembly. As a result, the Kentucky Department of Mental Health/Mental Retardation Services, Division of Mental Retardation received \$500,000 for extended support services during the 1996 session. Though not nearly enough to meet the increasing demand, these dollars were the first to be "line-itemed" specifically for supported employment. These awareness/advocacy efforts will continue with the goal of increased statewide funding allocations and possible supported employment legislation.

Included in Governor Patton's Budget Bill for 2003-2004 was \$200,000 for each year of the biennium allocated to the Office to be used for supported employment unmet need. Although this amount will not address the established need, it represents significant progress as it establishes an ongoing line item in the Office budget, which can be increased over time. The Office joined with KY APSE to advocate for this funding.

### QUALITY

Pursuant to federal regulations, supported employment services provided by approved vendors must contain these elements: 1) competitive work; 2) integrated work settings; 3) provision of extended support services. In order to ensure that supported employment services are provided according to regulation, the following guidelines must be met:

1. Services will be provided for individuals with the most significant disabilities who have a documented need for supported employment services, including extended support services.
2. Work will be performed on a full-time or part-time basis. Each individual in supported employment and his/her Vocational Rehabilitation counselor shall jointly establish in the IPE an appropriate goal for the number of hours per week that will maximize the individual's vocational potential.
3. Work must take place in integrated settings where most workers do not have disabilities.
4. Wages must be in compliance with Fair Labor Standards Act. Each supported employee will have a goal of earning at least minimum wage.

Kentucky's supported employment providers adhere to the following principles:

- The supported employment concept assumes that all persons, regardless of degree of disability, have the capacity and should be afforded the opportunity to participate in real employment with appropriate support.
- Rather than spending time preparing an individual for some job in the future for which supported employment is ongoing, extended support required to get and keep a job.
- Emphasis is placed on recognizing and maximizing opportunities in the workplace rather than just providing skills training.
- The purpose of the program is employment with all of the general expectations of a job such as wages, job security, and performing meaningful work.
- Ongoing, extended supports are tailored to meet each individual's needs.



- Individuals are offered choices in the selection and maintenance of jobs. Decisions about appropriate services are made jointly with the individual and/or the family, the supported employment provider, and the DVR counselor.
- Integration on the job site is recognized as necessary and important. Opportunities are available for non-work interactions with non-disabled workers. Interactions with non-disabled co-workers are a part of regular job responsibilities. "Natural supports" are developed and emphasized.
- Extended services are proactive, not merely reactive. For example, plans are developed with individuals in anticipation of career advancement rather than merely waiting for a job loss, lay off, company closing, etc., before seeking other opportunities.
- Re-employment assistance is provided to workers changing jobs to ensure the continuation of integrated employment. Services are oriented toward career development, not merely job retention.

The primary staff responsible for providing supported employment services are "job coaches," "job trainers," or "supported employment specialists." Positions are both full and part-time, depending on the size and service territory of the local provider. Training for staff is provided by the Supported Employment Branch according to the needs of the provider and may include a "job coach shadowing experience" or team-planning seminars. "Fundamentals of Supported Employment" workshops are also required for all vendors in the DVR-SE Outcome-based Reimbursement System. These are funded collaboratively in DMR/DVR dollars and are implemented by the Supported Employment Training Project at the University of Kentucky Human Development Institute. Technical assistance is also provided by the Supported Employment Branch's staff, including the Supported Employment Administrator and Supported Employment Consultants who work statewide. A resource manual and other policies and guideline memorandums were developed for vocational rehabilitation counselors. These are periodically revised and updated so that staff may better understand the rehabilitation process in regard to supported employment. This is a useful tool for supported employment providers, as well, in coordinating services.

Seminars, workshops, and training/awareness sessions are arranged and/or participated in throughout the state with various agencies and organizations that can assist with funding, conversion, employment, and other related supported employment issues. In the last fiscal year meetings of this nature were held in Kentucky with such groups as The Arc of Kentucky, the Kentucky Developmental Disabilities Council, Community Mental Health Centers, Kentucky Consortium for Values Based Training, the Kentucky Disabilities Coalition, KY APSE, School-to-Work Transition groups, and many others.

The quality of supported employment outcomes is assessed individually. Such issues as consumer satisfaction, earnings, benefits, employee and employer satisfaction, the degree of integration, availability of dependable transportation, co-worker support, socialization, work environment, and provision of support services are important. On a regular basis, the supported employment administrator and/or the supported employment consultants conduct technical assistance visits with each provider for quality assurance purposes. Each supported employment provider established on going strategies to measure consumer satisfaction.

## EXTENT

As a part of the eligibility determination process for Vocational Rehabilitation services, supported employment will be considered as a possible vocational outcome for individuals with the most significant disabilities.

The Office of Vocational Rehabilitation will be able to provide supported employment services where available through approved vendors and/or individual providers. These services may include:



- A. Development of a vocational profile with recommendations for job-development;
- B. Individually designed job development services, including assistance with job carving, reasonable accommodation, technology and/or other support strategies;
- C. Intensive on-the-job skills training and other support services provided by supported employment specialists and/or co-workers and employers
- D. Time-limited follow-up services (including regular contact with employer, trainee, parent, guardian, or others deemed appropriate);
- E. Time-limited regular observation of or supervision of individuals with significant disabilities at the training site;
- F. Other services needed to support the individual, such as travel, travel training, employment advocacy, non-employment advocacy, and counseling;
- G. Supplemental evaluation of rehabilitation potential for supported employment, if needed, to determine the most suitable supported employment objectives or to determine what on-site supports are needed, including the need for rehabilitation technology.

The amount, frequency and type of services will be based on the needs of each individual once eligibility is established for supported employment. If off-job-site monitoring is determined to be appropriate, the monitoring, at a minimum, will consist of two meetings per month with the individual and one meeting each month with the employer.

Extended long-term follow-up support services will be the responsibility of other relevant state agencies, private organizations, and other sources of funding. These services will be considered and planned for prior to an individual receiving the services listed above. Vendorships are not approved unless assurance is made of the availability of extended support services. If extended services are not fully assured at the onset of the IPE, the Vocational Rehabilitation counselor and the DVR Supported Employment Branch staff will fully participate in making arrangements for these services before the Vocational Rehabilitation case is closed.

Transition from Title VI, Part B funds to other funding sources will generally occur within 18 months of the date of placement. On a case-by-case basis, as determined in an IPE, the 18-month limitation may be exceeded in order to assist the individual in stabilizing in employment.

Generally, transition from Title VI, Part B funds will occur when the supported employment program personnel, the VR counselor, and the consumer determine that stabilization has been achieved. Stabilization is measured for each individual by considering all circumstances including support needs, consumer choice and satisfaction regarding services, and employer feedback.







The Kentucky Office of Vocational Rehabilitation does not discriminate on the basis of race, color, national origin, sex, disability, age, religion or marital status in employment, or provision of services and provides, upon request, reasonable accommodation including auxiliary aids and services necessary to afford individuals with disabilities an equal opportunity to participate in all program activities.

Printed with Federal Funds.

